Budget & Appropriations Meeting Agenda



Committee Chair: Jewel Williams Johnson

800 Michaelian Office Bldg. 148 Martine Avenue, 8th Floor White Plains, NY 10601 www.westchesterlegislators.com

Monday, September 29, 2025

10:00 AM

Committee Room

CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website:

https://westchestercountyny.legistar.com/ This website also provides links to materials for all matters to be discussed at a given meeting.

Legislator Colin Smith will be participating remotely from 1132 Main Street, Suite 1, Peekskill, New York 10566

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. <u>2025-361</u> <u>ACT - Lawsuit Settlement GCVA WCH-DOE v. WMC, WCHCC and WC</u>

AN ACT authorizing the County Attorney to settle the lawsuit of GCVA WCH-DOE v. Westchester Medical Center, Westchester County Health Care Corporation and Westchester County in Supreme Court Westchester County in the amount of EIGHT HUNDRED SEVENTY FIVE THOUSAND (\$875,000) DOLLARS, inclusive of attorney's fees.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW &

Joint with LMC.

MAJOR CONTRACTS

Guests: Law Department County Attorney John Nonna

Deputy County Attorney Taryn Langrin

2. <u>2025-369</u> <u>ACT - Lawsuit Settlement of Fields v. The County of Westchester,</u> Westchester Community College

AN ACT authorizing the County Attorney to settle the lawsuit of Richard Fields v The County of Westchester, Westchester Community College, et al., in the amount of TWO HUNDRED THOUSAND (\$200,000) DOLLARS, inclusive of attorney's fees with the County contributing ONE HUNDRED EIGHTY THOUSAND (\$180,000) DOLLARS and Facility Services Association contributing TWENTY THOUSAND (\$20,000) DOLLARS.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Joint with LMC.

Guests: Law Department County Attorney John Nonna Assistant Chief Deputy County Attorney Jane Hogan-Felix Joe Slaughter, Esq.

3. <u>2025-388</u> <u>ACT - Authorization to Commence an Action against Machinery Equipment Rebuilders</u>

AN ACT authorizing the County Attorney to initiate legal action including, but not limited to, third-party claims, cross-claims, and/or counterclaims on behalf of the County of Westchester against Machinery Equipment Rebuilders, Paul Miller, and any other responsible party as may be necessary and appropriate to protect the County's interests in connection with return of the Dragon Coaster gearbox and/or monetary damages as may be appropriate.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Joint with LMC.

Guests: Law Department County Attorney John Nonna Deputy County Attorney John Fico

4. <u>2025-405</u> <u>ACT - Opioid Settlement - Additional Manufacturers</u>

AN ACT authorizing the County of Westchester to settle the claims against additional manufacturers Alvogen, Inc.; Amneal Pharmaceuticals, Inc.; Apotex Inc.; Hikma Pharmaceuticals USA Inc.; Indivior Inc.; Mylan Pharmaceuticals Inc.; Sun Pharmaceutical Industries, Inc.; and Zydus Pharmaceuticals (USA), Inc. in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled The County of Westchester v. Purdue Pharma, et al., arising out of the alleged abuse and misuse of opioids.

Joint with LMC.
Guests: Law Department
County Attorney John Nonna
Associate County Attorney Loren Zeitler

5. 2025-406 ACT - Opioid Settlement, Purdue/Sackler

AN ACT authorizing the County of Westchester to settle the claims against Purdue Pharma LP ("Purdue") as set forth in the Purdue/Sackler bankruptcy settlement plan (the "Plan") in an adversary proceeding filed in the Supreme Court of the State of NY, Westchester County, titled The County of Westchester v. Purdue Pharma, et al. arising out of the alleged abuse and misuse of opioids.

Joint with LMC.

Guests: Law Department County Attorney John Nonna

Associate County Attorney Loren Zeitler

6. <u>2025-350</u> <u>BOND ACT-BLA1A-2944-Parkland and Historical Preservation Program</u>

A BOND ACT authorizing the issuance of TWO MILLION, FIVE HUNDRED FIFTY THOUSAND (\$2,550,000) DOLLARS in bonds of Westchester County to finance Capital Project BLA1A - Parkland and Historical Preservation Program.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PARKS & ENVIRONMENT AND PUBLIC WORKS & TRANSPORTATION

Joint with PE and PWT.
Guests: Planning Department
Chief Planner Susan Darling
Program Administrator Leonard Gruenfeld
Associate Planner Obed Varughese

Assistant Commissioner David Kvinge

Director of Countywide Administrative Services Chris Steers

7. <u>2025-351</u> <u>ACT-Purchase of 230 and 224 White Plains Road, Tuckahoe-BLA1A-2944</u>

AN ACT authorizing the County of Westchester to purchase two (2) parcels of real property located at 230 and 224 White Plains Road in Tuckahoe, New York.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PARKS & ENVIRONMENT AND PUBLIC WORKS & TRANSPORTATION

Joint with PE and PWT.
Guests: Planning Department
Chief Planner Susan Darling
Program Administrator Leonard Gruenfeld
Associate Planner Obed Varughese
Assistant Commissioner David Kvinge

Director of Countywide Administrative Services Chris Steers

8. <u>2025-365</u> BOND ACT-BPL37-NHLA-632-636 South Broadway, Yonkers

A BOND ACT (A New Homes Land Acquisition Bond Act "NHLA") authorizing the issuance of FIVE MILLION, NINE HUNDRED THOUSAND (\$5,900,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL37.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, HOUSING & PLANNING AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT.

Guests: Planning Department
Chief Planner Susan Darling
Program Administrator Leonard Gruenfeld
Associate Planner Obed Varughese
Assistant Commissioner David Kvinge

9. 2025-366 ACT-Land Acquisition-632-636 South Broadway, Yonkers

AN ACT authorizing the County of Westchester to purchase approximately +/- 16,640 square feet of real property located at 632-636 South Broadway in the City of Yonkers and to subsequently convey said property, as well as authorizing the County to grant and accept any property rights necessary in furtherance thereof, for the purpose of contracting a new building with 160 affordable rental units that will affirmatively further fair housing and remain affordable for a period of not less than fifty (50) years.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, HOUSING & PLANNING AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT.

Guests: Planning Department Chief Planner Susan Darling Program Administrator Leonard Gruenfeld Associate Planner Obed Varughese Assistant Commissioner David Kvinge

10. <u>2025-367</u> <u>BOND ACT-BPL1A-Infrastructure Improvements-632-636 South Broadway, Yonkers</u>

A BOND ACT authorizing the issuance of FOUR MILLION, FIFTY THOUSAND (\$4,050,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL1A.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, HOUSING & PLANNING AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT.

Guests: Planning Department Chief Planner Susan Darling Program Administrator Leonard Gruenfeld Associate Planner Obed Varughese Assistant Commissioner David Kvinge

11. <u>2025-368</u> <u>ACT-IMDA-Yonkers & Macquesten Development, LLC-632-636</u> <u>South Broadway, Yonkers</u>

AN ACT authorizing the County of Westchester (the "County") to enter into an inter-municipal developer agreement with the City of Yonkers and Macquesten Development LLC, its successors or assigns, or any entity created to carry out the purposes of the transaction in order to fund certain infrastructure improvements and authorizing the County to grant and accept any property rights necessary in furtherance thereof, all for the purpose of constructing 160 affordable rental units that will affirmatively further fair housing at 632-636 South Broadway in the City of Yonkers and remain affordable for a period of not less than 50 years. COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, HOUSING & PLANNING AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT.

Guests: Planning Department Chief Planner Susan Darling Program Administrator Leonard Gruenfeld Associate Planner Obed Varughese Assistant Commissioner David Kvinge

12. <u>2025-376</u> <u>CBA-BPL46-Glenview Mansion Improvements</u>

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project BPL46 - Glenview Mansion Improvements.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT.

Guests: Planning Department
Chief Planner Susan Darling
Program Administrator Leonard Gruenfeld
Associate Planner Obed Varughese
Assistant Commissioner David Kvinge

Associate County Attorney Rachel Noe-LAW

13. <u>2025-377</u> BOND ACT-BPL46-Glenview Mansion Improvements

A BOND ACT authorizing the issuance of ONE MILLION, ONE HUNDRED FORTY-THREE THOUSAND (\$1,143,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL46 - Glenview Mansion Improvements.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT.
Guests: Planning Department
Chief Planner Susan Darling
Program Administrator Leonard Gruenfeld
Associate Planner Obed Varughese
Assistant Commissioner David Kvinge

Associate County Attorney Rachel Noe-LAW

14. <u>2025-378</u> PH-Third Amendment to IMA-Yonkers-BPL46

A RESOLUTION to set a Public Hearing on "A LOCAL LAW authorizing the County of Westchester to enter into the Third Amendment to the intermunicipal agreement with the City of Yonkers concerning the Hudson River Museum Component of the Revised JFK Project to increase the County's contribution and the City's contribution for the Hudson River Component of the Revised JFK Project and extend the term of the lease from the City of the property, which is located along the northern portion of the City's waterfront at and adjacent to Trevor Park and the JFK Marina, for a period of at least the life of any County bonds issued to finance the Capital Project BPL46 - Glenview Mansion Improvements." [Public Hearing set for ________, 2025 at _________.m.]. LOCAL LAW INTRO: 2025-379.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT.
Guests: Planning Department
Chief Planner Susan Darling
Program Administrator Leonard Gruenfeld
Associate Planner Obed Varughese
Assistant Commissioner David Kvinge

Associate County Attorney Rachel Noe-LAW

15. 2025-379 LOCAL LAW-Third Amendment to IMA-Yonkers-BPL46

A LOCAL LAW authorizing the County of Westchester to enter into the Third Amendment to the intermunicipal agreement with the City of Yonkers concerning the Hudson River Museum Component of the Revised JFK Project to increase the County's contribution and the City's contribution for the Hudson River Component of the Revised JFK Project and extend the term of the lease from the City of the property, which is located along the northern portion of the City's waterfront at and adjacent to Trevor Park and the JFK Marina, for a period of at least the life of any County bonds issued to finance the Capital Project BPL46 - Glenview Mansion Improvements.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT.

Guests: Planning Department
Chief Planner Susan Darling
Program Administrator Leonard Gruenfeld
Associate Planner Obed Varughese
Assistant Commissioner David Kvinge

Associate County Attorney Rachel Noe-LAW

16. <u>2025-340</u> <u>BOND ACT-BPL26-2943-Flood Mitigation</u>

A BOND ACT authorizing the issuance of FOUR HUNDRED FIFTY THOUSAND (\$450,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL26 - Flood Mitigation.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS AND TRANSPORTATION

Joint with PWT.

Guests: Planning Department Chief Planner Susan Darling Program Administrator Leonard Gruenfeld Associate Planner Obed Varughese Assistant Commissioner David Kvinge

17. <u>2025-341</u> <u>IMA-Flood Mitigation-BPL26-2943-Greenburgh</u>

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Town of Greenburgh in connection with a flood mitigation project - Capital Project BPL 26 - Unique ID #2943.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS AND TRANSPORTATION

Joint with PWT.

Guests: Planning Department Chief Planner Susan Darling Program Administrator Leonard Gruenfeld Associate Planner Obed Varughese Assistant Commissioner David Kvinge

- **II. OTHER BUSINESS**
- III. RECEIVE & FILE

ADJOURNMENT



Kenneth W. Jenkins County Executive

Office of the County Attorney

John M. Nonna County Attorney August 19, 2025

Westchester County Board of Legislators County of Westchester 800 Michaelian Office Building 148 Martine Avenue White Plains, New York 10601

Re:

Request for authorization to settle the lawsuit of GCVA WCH-DOE v. WESTCHESTER MEDICAL CENTER, WESTCHESTER COUNTY HEALTH CARE CORPORATION & WESTCHESTER COUNTY, in Supreme Court Westchester County, Index No. 59280/2021, in the amount of \$875,000.00, inclusive of attorney's fees.

Dear Honorable Members of the Board:

Attached for your consideration is an Act, which if enacted by your Board, would authorize the settlement of the lawsuit of GCVA WCH-DOE v. WESTCHESTER MEDICAL CENTER, WESTCHESTER COUNTY HEALTH CARE CORPORATION & WESTCHESTER COUNTY, in Supreme Court Westchester County, Index No. 59280/2021, in the amount of \$875,000.00, inclusive of attorney's fees.

This matter is pending in the Westchester County Supreme Court before the Honorable Doris M. Gonzalez. The lawsuit tentatively settled, pending this Board's approval, for a total amount of \$875,000.00 inclusive of attorney's fees.

Lucas B. Franken, Esq. of Pfau Cochran Veretis Amala, 120 Broadway, Floor 26 New York, New York 10271, is representing the plaintiff, John Doe.

This matter arises in the context of The Child Victim's Act (the "CVA"). The legislation was enacted in 2019 and allowed for victims of childhood sexual abuse to file lawsuits despite expired statutes of limitations. In this case, the plaintiff alleges he was abused during a private exam in 1995, when he was about 15 years old, by Doctor Steven Tames, MD ("Dr. Tames") who was allegedly employed by Westchester Medical Center. At the time, Westchester Medical Center was owned and operated by the County. Plaintiff alleges Dr. Tames ordered the plaintiff to masturbate and ejaculate in the exam room, which resulted in permanent psychological and emotional damages.

Plaintiff claims that prior to the 1995 abuse in question, the County had actual and constructive notice of Dr. Tames' tendencies to sexually abuse children under the guise of medical treatment, and the County was negligent in failing to supervise and continuing to employ Dr. Tames, which allowed him to sexually abuse the plaintiff. The County has denied these allegations.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, the exposure to a substantial jury verdict, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled of GCVA WCH-DOE v. WESTCHESTER MEDICAL CENTER, WESTCHESTER COUNTY HEALTH CARE CORPORATION & WESTCHESTER COUNTY, in the amount of \$875,000.00 inclusive of attorney's fees.

Very truly yours,

John M. Nonna

JMN/mjc

BOARD OF LEGISLATORS COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the lawsuit of <u>GCVA WCH-DOE v. WESTCHESTER MEDICAL</u>

<u>CENTER, WESTCHESTER COUNTY HEALTH CARE CORPORATION & WESTCHESTER</u>

<u>COUNTY</u>, in the amount of \$875,000.00, inclusive of attorney's fees.

This matter is pending in the Westchester County Supreme Court before the Honorable Doris M. Gonzalez. The lawsuit tentatively settled, pending this Board's approval, for a total amount of \$875,000.00 inclusive of attorney's fees.

Lucas B. Franken, Esq. of Pfau Cochran Veretis Amala, 120 Broadway, Floor 26 New York, New York 10271, is representing the plaintiff, John Doe.

This matter arises in the context of The Child Victim's Act (the "CVA"). The legislation was enacted in 2019 and allowed for victims of childhood sexual abuse to file lawsuits despite expired statutes of limitations. In this case, the plaintiff alleges he was abused during a private exam in 1995, when he was about 15 years old, by Doctor Steven Tames, MD ("Dr. Tames") who was allegedly employed by Westchester Medical Center. At the time, Westchester Medical Center was owned and operated by the County. Plaintiff alleges Dr. Tames ordered the plaintiff to masturbate and ejaculate in the exam room, which resulted in permanent psychological and emotional damages.

Plaintiff claims that prior to the 1995 abuse in question, the County had actual and

constructive notice of Dr. Tames' tendencies to sexually abuse children under the guise of medical

treatment, and the County was negligent in failing to supervise and continuing to employ Dr.

Tames, which allowed him to sexually abuse the plaintiff. The County has denied these allegations.

The settlement takes into consideration the uncertainty of litigation and the potential costs

of trial, the exposure to a substantial jury verdict, subsequent proceedings and potential appeal.

The accompanying Act will authorize settlement of the lawsuit entitled of GCVA WCH-DOE v.

WESTCHESTER MEDICAL CENTER, WESTCHESTER COUNTY HEALTH CARE

CORPORATION & WESTCHESTER COUNTY, in the amount of \$875,000.00 inclusive of

attorney's fees.

Your Committee has carefully considered the subject matter, the settlement proposal, the

attached Act and recommends authorizing the County Attorney or his designee to settle the lawsuit

entitled GCVA WCH-DOE v. WESTCHESTER MEDICAL CENTER, WESTCHESTER

COUNTY HEALTH CARE CORPORATION & WESTCHESTER COUNTY, in the amount of

\$875,000.00 inclusive of attorney's fees. An affirmative vote of a majority of the Board is required

to pass this legislation.

Dated:

White Plains, New York

, 2025

COMMITTEE ON

12

ACT NO. -2025

AN ACT authorizing the County Attorney to settle the lawsuit of GCVA WCH-DOE v.

WESTCHESTER MEDICAL CENTER,
WESTCHESTER COUNTY HEALTH CARE
CORPORATION & WESTCHESTER COUNTY,
in Supreme Court Westchester County, Index No.
59280/2021, in the amount of \$875,000.00,
inclusive of attorney's fees.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County Attorney is authorized to settle the lawsuit of <u>GCVA WCH-DOE</u>

v. WESTCHESTER MEDICAL CENTER, WESTCHESTER COUNTY HEALTH CARE

<u>CORPORATION & WESTCHESTER COUNTY</u>, in Supreme Court Westchester County, Index

No. 59280/2021, in the amount of \$875,000.00, inclusive of attorney's fees.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement:GCVA-G950380	NO FISCAL IMPACT PROJECTED	
OPERATING BUDGET IMPACT To Be Completed by Submitting Department and Reviewed by Budget		
SECTION A - FUND		
X GENERAL FUND AIRPORT FUND	SPECIAL DISTRICTS FUND	
SECTION B - EXPENSES AND REVENUES		
Total Current Year Expense \$ 875,000		
Total Current Year Revenue \$		
Source of Funds (check one): Current Appropriations	Transfer of Existing Appropriations	
Additional Appropriations	X Other (explain)	
Identify Accounts: 6N Fund: 615 59 0600 1950 4280 04		
Potential Related Operating Budget Expenses: A	nnual Amount N/A	
Describe: Settlement of GCVA WCH-DO	E G950380	
Potential Related Operating Budget Revenues: Annual Amount N/A		
Describe:		
Anticipated Savings to County and/or Impact on Department Operations:		
Current Year: N/A		
5 mary 11 mary		
Next Four Years: N/A		
Prepared by: Taryn A Chapman-Langrin		
Title: Deputy County Attorney	Reviewed By:	
Department: Law	Budget Director	
Date: August 18, 2025	Date: 8 00 05	



Kenneth W. Jenkins County Executive

Office of the County Attorney

John M. Nonna County Attorney

August 21, 2025

Westchester County Board of Legislators County of Westchester 800 Michaelian Office Building 148 Martine Avenue White Plains, New York 10601

Re: Request for authorization to settle the lawsuit of <u>Richard Fields v The County of Westchester</u>, <u>Westchester Community College et al.</u> in Supreme Court Westchester County, Index No. 50797/2016, in the amount of \$200,000.00, inclusive of attorney's fees.

Dear Honorable Members of the Board:

Attached for your consideration is an Act, which if enacted by your Board, would authorize the settlement of the lawsuit of Richard Fields v The County of Westchester, Westchester Community College et al, in Supreme Court Westchester County, Index No. 50797/2016, in the amount of \$200,000.00, inclusive of attorney's fees with the County contributing \$180,000.00 and Faculty Student Association contributing \$20,000.00.

This matter is pending in the Westchester County Supreme Court before the Honorable William J. Giacomo. The lawsuit tentatively settled, pending this Board's approval for a total amount of \$200,000.00 inclusive of attorney's fees with the County contributing \$180,000.00 and Faculty Student Association contributing \$20,000.00.

Carolyn V. Minter, Esq., 79 Croton Avenue, Ossining, New York, 10562, represents the plaintiff. The County defendants are represented by our outside counsel Joseph Slaughter Esq. of the Law Offices of Joseph Slaughter, 790 Riverside Drive, New York, New York 10032. Faculty Student Association is represented by John Flannery Esq. of Wilson Elser Moskowitz Edelman & Dicker, 1133 Westchester Avenue, White Plains, New York 10604.

This matter arises out of a transcript forgery scandal involving Westchester Community College ("WCC") which first came to light in October 2014. Plaintiff was an assistant basketball coach at "WCC" from approximately 2010 to October 2014. The individual

defendants named in the Complaint, David Swope, Joseph Hankin, John Flynn, and Patrick Hennessey, were senior officers of the College during the relevant period of time. When the College became aware of the allegations they began an investigation and initial suspicions as to who was responsible for the forgery centered on plaintiff. Within days of the allegations surfacing the investigation was taken over by the New York State Inspector General's Office. Several days later, in response to press inquiries, the College's press officer, Patrick Hennessey, disclosed to the public the results of the College's preliminary investigation. He reported that the plaintiff was responsible for the forgery and had been fired. The Inspector General's Office conducted a year long investigation culminating in fraud charges being brought against head basketball coach Tyrone Mushatt and no charges against plaintiff.

Plaintiff subsequently brought this action alleging defamation and intentional infliction of emotional distress against the College, senior members of its administration and Board of Trustees, and the County, based on Hennessey's statements to the press. He also asserts wrongful termination claims against Defendant Faculty Student Association.

Plaintiff claims that the County officials negligently caused a false statement to be published and that statement caused harm to his reputation from which he has never recovered.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, the exposure to a substantial jury verdict, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled of Richard Fields v The County of Westchester, Westchester Community College et al, in Supreme Court Westchester County, Index No. 50797/2016, in the amount of \$200,000.00, with the County contributing \$180,000.00 and Faculty Students Association contributing \$20,000.00, inclusive of attorney's fees.

Very truly yours,

John M. Nonna County Attorney

JMN/jhf

BOARD OF LEGISLATORS COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the lawsuit of Richard Fields v The County of Westchester,

Westchester Community College et al, in the amount of \$200,000.00, inclusive of attorney's fees, with the County contributing \$180,000.00 and Faculty Student Association contributing \$20,000.00.

This matter is pending in the Westchester County Supreme Court before the Honorable William J. Giacomo. The lawsuit tentatively settled, pending this Board's approval for a total amount of \$200,000.00 inclusive of attorney's fees with the County contributing \$180,000.00 and Faculty Student Association contributing \$20,000.00.

Carolyn V. Minter, Esq., 79 Croton Avenue, Ossining, New York, 10562, represents the plaintiff. The County defendants are represented by our outside counsel Joseph Slaughter Esq. of the Law Offices of Joseph Slaughter, 790 Riverside Drive, New York, New York 10032. Faculty Student Association is represented by John Flannery Esq. of Wilson Elser Moskowitz Edelman & Dicker, 1133 Westchester Avenue, White Plains, New York 10604.

This matter arises out of a transcript forgery scandal involving Westchester Community College ("WCC") which first came to light in October 2014. Plaintiff was an assistant basketball coach at "WCC" from approximately 2010 to October 2014. The individual

defendants named in the Complaint, David Swope, Joseph Hankin, John Flynn, and Patrick
Hennessey, were senior officers of the College during the relevant period of time. When the
College became aware of the allegations they began an investigation and initial suspicions as to
who was responsible for the forgery centered on plaintiff. Within days of the allegations
surfacing the investigation was taken over by the New York State Inspector General's Office.

Several days later, in response to press inquiries, the College's press officer, Patrick Hennessey,
disclosed to the public the results of the College's preliminary investigation. He reported that the
plaintiff was responsible for the forgery and had been fired. The Inspector General's Office
conducted a year long investigation culminating in fraud charges being brought against head
basketball coach Tyrone Mushatt and no charges against plaintiff.

Plaintiff subsequently brought this action alleging defamation and intentional infliction of emotional distress against the College, senior members of its administration and Board of Trustees, and the County, based on Hennessey's statements to the press. He also asserts wrongful termination claims against Defendant Faculty Student Association.

Plaintiff claims that the County officials negligently caused a false statement to be published and that statement caused harm to his reputation from which he has never recovered.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, the exposure to a substantial jury verdict, subsequent proceedings and potential appeal.

The accompanying Act will authorize settlement of the lawsuit entitled of Richard Fields v The County of Westchester, Westchester Community College et al., in Supreme Court Westchester County, Index No. 50797/2016, in the amount of \$200,000.00, with the County contributing \$180,000.00 and Faculty Students Association contributing \$20,000.00, inclusive of attorney's fees.

Your Committee has carefully considered the subject matter, the settlement proposal, the attached Act and recommends authorizing the County Attorney or his designee to settle the lawsuit entitled Richard Fields v The County of Westchester, Westchester Community College, in the amount of \$200,000.00, inclusive of attorney's fees with the County contributing \$180,000.00 and Faculty Student Association contributing \$20,000.00. An affirmative vote of a majority of the Board is required to pass this legislation.

Dated:

White Plains, New York

, 2025

COMMITTEE ON

ACT NO. -2025

AN ACT authorizing the County Attorney to settle the lawsuit of Richard Fields v The County of Westchester, Westchester Community College et al., Westchester County Supreme Court Index No. 50797/2016, in the amount of \$200,000.00, inclusive of attorney's fees with the County contributing \$180,000.00 and Faculty Services Association contributing \$20,000.00.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County Attorney is authorized to settle the lawsuit of <u>Richard Fields v</u>

The County of Westchester, Westchester Community College et al, in the amount of
\$200,000.00, inclusive of attorney's fees with the County contributing \$180,000.00 and Faculty
Services Association contributing \$20,000.00.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT:	Lawsuit Settlement:Fields, Richards NO FISCAL IMPACT PROJECTED	
OPERATING BUDGET IMPACT To Be Completed by Submitting Department and Reviewed by Budget		
SECTION A - FUND		
X GENERAL FUND	AIRPORT FUND SPECIAL DISTRICTS FUND	
SECTION B - EXPENSES AND REVENUES		
Total Current Year Ex	spense \$ 180,000	
Total Current Year Re	evenue \$ -	
Source of Funds (che	ck one): Current Appropriations Transfer of Existing Appropriations	
Additional Appro	opriations X Other (explain)	
Identify Accounts:	6N Fund: 615 59 0694 3850 4280 04	
Potential Related Operating Budget Expenses: Annual Amount N/A		
Describe:	Public Official Liability Settlement of Fields, Richards G140180	
Potential Related Operating Budget Revenues: Annual Amount N/A		
Describe:		
Anticipated Savings to County and/or Impact on Department Operations:		
Current Year:		
Next Four Years: N/A		
.	1	
Prepared by:	Jane Hogan-Felix	
Title:	Assistant Chief Deputy County Attorney Reviewed By:	
Department:	Law Budget Director	
Date:	August 22, 2025 Date: 8 32 25	



Kenneth W. Jenkins County Executive

Office of the County Attorney

John M. Nonna County Attorney

September 15, 2025

Westchester County Board of Legislators County of Westchester 800 Michaelian Office Building 148 Martine Avenue White Plains, New York 10601

Re: Request for authorization to commence an action against Machinery Equipment Rebuilders, Paul Miller and/or other parties deemed responsible as may be necessary and appropriate to enforce the return of County property or obtain monetary damages for same.

Dear Honorable Members of the Board:

This request arises from a transaction between Standard Amusements ("SA") and Machinery Equipment Rebuilders and Paul Miller, its principal (collectively "MER"), for the repair and refurbishment of a mechanical gearbox that is necessary for the operation of the Dragon Coaster ride located at Playland.

At the time this transaction arose, SA was operating Playland for the County of Westchester ("County") under a written agreement. It is believed that SA hired MER to repair the Dragon Coaster gearbox sometime in March 2025, with an expectation that the gearbox would be returned sometime in April. Unfortunately, despite repeated attempts via telephone calls and emails, MER has not only failed to return the gearbox but also failed to provide any meaningful information regarding the location and status of the gearbox.

The County, through this office, will continue to seek a resolution to the claim. However, if a satisfactory resolution cannot be obtained with MER, litigation is necessary.

In order to protect the County's interests, authority to commence an action against Machinery Equipment Rebuilders, Paul Miller, its purported principal, and any other party as may be necessary and appropriate to enforce the County's rights, is recommended.

Therefore, I am respectfully requesting that this Honorable Board pass the accompanying Act authorizing the County to initiate all legal action, if necessary, including, but not limited to, third-party claims, cross-claims, and/or counterclaims on behalf of the County, as may be necessary against Machinery Equipment Rebuilders, Paul Miller, and/or all other parties deemed responsible as may be necessary and appropriate to enforce the return of County property or obtain monetary damages for same. The Commissioner of Parks Recreation and Conservation concurs with this recommendation.

Very truly yours

ohn M. Nonna

ounty Attorney

JMN/jf Enclosure

BOARD OF LEGISLATORS COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if approved by your Honorable Board, would authorize the County Attorney to initiate legal action including, but not limited to, third-party claims, cross-claims, and/or counterclaims on behalf of the County of Westchester ("County"), as may be necessary against Machinery Equipment Rebuilders, Paul Miller (collectively "MER"), and any other party as necessary and appropriate to protect the County's interests in connection with return of the Dragon Coaster gearbox and/or monetary damages for same.

When Standards Amusement was under contract with the County to manage and operate Playland, in or about March 2025 it purportedly entered into an agreement with MER for the repair and refurbishment of the gearbox necessary to operate the Dragon Coaster. The subject gearbox was delivered to MER. However, despite the County's efforts, the gearbox has not yet been returned.

Your Committee concurs with the County Attorney and Westchester County

Commissioner of Parks Recreation and Conservation, Kathleen O'Connor, and, therefore,
recommends that the Board approve the accompanying Act authorizing the County Attorney to
initiate such legal action, including, but not limited to, third-party claims, cross-claims, and/or
counterclaims on behalf of the County, as may be necessary against Machinery Equipment
Rebuilders, Paul Miller, and any other party deemed responsible as necessary and appropriate to
protect the County's interests in connection these claims.

An affirmative vote of a majority of the Board is required to pass this Act.

Dated: October , 2025 White Plains, New York

COMMITTEE ON

l:jf

AN ACT authorizing the County Attorney to initiate legal action including, but not limited to, third-party claims, cross-claims, and/or counterclaims on behalf of the County of Westchester against Machinery Equipment Rebuilders, Paul Miller, and any other responsible party as may be necessary and appropriate to protect the County's interests in connection with return of the Dragon Coaster gearbox and/or monetary damages as may be appropriate.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County Attorney is hereby authorized on behalf of the County of Westchester to initiate legal action, including, but not limited to, third-party claims, cross-claims, and/or counterclaims on behalf of the County of Westchester against Machinery Equipment Rebuilders, Paul Miller, and/or any other responsible parties as may be necessary and appropriate to protect the County's interests arising for the recovery of equipment identified as the gearbox for the Dragon Coaster ride located at Playland, Rye, New York.

Section 2. The County Attorney or his duly designated representative is hereby authorized to undertake such legal proceedings and prepare all documents necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.



Kenneth W. Jenkins County Executive

Office of the County Attorney

John M. Nonna County Attorney

September 18, 2025

Westchester County Board of Legislators 800 Michaelian Office Building 148 Martine Avenue White Plains, NY 10601

Re:

An Act authorizing the County of Westchester to settle the claims against additional manufacturers Alvogen, Inc.; Amneal Pharmaceuticals, Inc.; Apotex Inc.; Hikma Pharmaceuticals USA Inc.; Indivior Inc.; Mylan Pharmaceuticals Inc.; Sun Pharamceutical Industries, Inc.; and Zydus Pharmaceuticals (USA), Inc. in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018, transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County (the "Instant Proceeding") arising out of the alleged abuse and misuse of opioids.

Dear Honorable Members of the Board:

Attached for your review is proposed legislation that, if enacted, would authorize the County of Westchester to enter a settlement and general release agreement fully resolving the claims against additional manufacturers Alvogen, Inc.; Amneal Pharmaceuticals, Inc.; Apotex Inc.; Hikma Pharmaceuticals USA Inc.; Indivior Inc.; Mylan Pharmaceuticals Inc.; Sun Pharamceutical Industries, Inc.; and Zydus Pharmaceuticals (USA), Inc. in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018, transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County (the "Instant Proceeding") arising out of the alleged abuse and misuse of opioids.

Telephone: (914) 995-2600

The Instant Proceeding

On February 6, 2018, the County commenced an action against opioid manufacturers, distributors and dispensers in the Supreme Court of the State of New York, County of Westchester. The Complaint asserted several causes of action, such as deceptive marketing, false advertising, public nuisance, misrepresentation, fraud, negligence, and unjust enrichment and conspiracy, alleging that each of the Defendants contributed to the opioid epidemic that Westchester County has been battling and will continue to battle for the foreseeable future. The causes of action against the various Defendants are based on claims that they contributed to the opioid epidemic by violating state and federal statutes related to the manufacturing, distribution and sale of opioids, all of which contributed to a public health crisis. Since the litigation's inception in 2018, many of the County's claims against the Defendants have been resolved through settlement.

Terms of the Proposed Settlement

Pursuant to an allocation formula used in previous national opioid settlements, if the County participates in the settlements, the County will be paid approximately \$850,000 collectively from the eight companies. Five of the eight settlements will be paid out in the first year with the remaining three paid over a period of between two and ten years. Three of the settlements included opioid overdose product such as Naloxone. Seven of the settlements also contain injunctive relief concerning their opioid marketing and suspicious monitoring programs that will be overseen by the States. All but one of the eight companies (Alvogen, Inc.) were sued by the County in the ongoing litigation. As in previous deals, all attorneys fees and costs will be paid out of a separate fund. All of the settlement funds must be used for "Approved Uses" (towards prevention, treatment, education and other types of abatement) as defined in the New York Global Payment Opioid Settlement Sharing Agreement.

In order to become a party to the Settlement Agreement, Westchester County has to do the following:

- 1. Sign the Secondary Manufacturers New York Opioid Settlement Sharing Agreement (Exhibit "A" hereto);
- 2. Sign the Secondary Manufacturers' Combined Subdivision Participation and Release Form (Exhibit "B" hereto)

Recommendation of Westchester County Attorney's Office

Litigation concerning the opioid epidemic has been pending for over seven years. Westchester County has suffered tremendous losses and continues to suffer the effects of the epidemic and will for the foreseeable future. The funds it will receive in this settlement will help offset some of those costs and can be used for future abatement purposes. The County Attorney recommends accepting this settlement, as opposed to assuming the risks and burdens of litigating against these Defendants individually.

I respectfully request authority from this Board pursuant to Section 158.11 of the Westchester County Charter to settle the above-referenced matter. I therefore recommend passage of the accompanying Act.

Very truly yours,

John M. Nonna

County Attorney

BOARD OF LEGISLATORS COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Board, would authorize the County of Westchester ("County") to enter a settlement and general release agreement fully resolving the claims of the County against manufacturers Alvogen, Inc.; Amneal Pharmaceuticals, Inc.; Apotex Inc.; Hikma Pharmaceuticals USA Inc.; Indivior Inc.; Mylan Pharmaceuticals Inc.; Sun Pharamceutical Industries, Inc.; and Zydus Pharmaceuticals (USA), Inc. in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018, transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County (the "Instant Proceeding") arising out of the alleged abuse and misuse of opioids.

On February 6, 2018, the County of Westchester commenced an action against opioid manufacturers, distributors and dispensers in the Supreme Court of the State of New York, County of Westchester. The Complaint asserted several causes of action, such as deceptive marketing, false advertising, public nuisance, misrepresentation, fraud, negligence, and unjust enrichment and conspiracy, alleging that each of the Defendants contributed to the opioid epidemic that Westchester County has been battling and will continue to battle for the foreseeable future. The causes of action against the various Defendants are based on claims that they contributed to the opioid epidemic by violating state and federal statutes related to the manufacturing, distribution and sale of opioids, all of which contributed to a public health crisis. Since the litigation's inception in 2018, many of the County's claims against the Defendants have been resolved through settlement.

Pursuant to an allocation formula used in previous national opioid settlements, if the County participates in the settlements, the County will be paid approximately \$850,000 collectively from the eight companies. Five of the eight settlements will be paid out in the first year with the remaining three paid over a period of between two and ten years. Three of the settlements included opioid overdose product such as Naloxone. Seven of the settlements also contain injunctive relief concerning their opioid marketing and suspicious monitoring programs that will be overseen by the States. All but one of the 8 companies were sued by the County in the ongoing litigation. As in previous deals, all attorneys fees and costs will be paid out of a separate fund. All of the settlement funds must be used for "Approved Uses" (towards prevention, treatment, education and other types of abatement) as defined in the New York Global Payment Opioid Settlement Sharing Agreement.

In order to become a party to the Settlement Agreement, Westchester County must do the following:

- 1. Sign the Secondary Manufacturers New York Opioid Settlement Sharing Agreement (Exhibit "A" hereto);
- 2. Sign the Secondary Manufacturers' Combined Subdivision Participation and Release Form (Exhibit "B" hereto)

Your Committee has carefully considered the matter and recommends approval of the annexed Act. The Act, which would authorize the County to enter into the proposed settlement to effectuate the resolution of the lawsuit, is in the best interests of the County.

Your Committee therefore recommends this Honorable Board approve the annexed Act

authorizing the County to enter into the proposed settlement of the above-referenced lawsuit. An

affirmative vote by a majority of the Board is required to pass this Act.

Dated: White Plains, New York

September 18, 2025

COMMITTEE ON

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ACT NO. 2025

AN ACT authorizing the County of Westchester to settle the claims against additional manufacturers Alvogen, Inc.; Amneal Pharmaceuticals, Inc.; Apotex Inc.; Hikma Pharmaceuticals USA Inc.; Indivior Inc.; Mylan Pharmaceuticals Inc.; Sun Pharamceutical Industries, Inc.; and Zydus Pharmaceuticals (USA), Inc. in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018, transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County (the "Instant Proceeding") arising out of the alleged abuse and misuse of opioids.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

1. The County of Westchester is hereby authorized to settle its claims against additional manufacturers Alvogen, Inc.; Amneal Pharmaceuticals, Inc.; Apotex Inc.; Hikma Pharmaceuticals USA Inc.; Indivior Inc.; Mylan Pharmaceuticals Inc.; Sun Pharamceutical Industries, Inc.; and Zydus Pharmaceuticals (USA), Inc. in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018, transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County (the "Instant Proceeding") arising out of the alleged abuse and misuse of opioids.

- The County Attorney or his designee is hereby authorized to execute and deliver all
 documents and take such actions as the County Attorney deems necessary or desirable
 to accomplish the purpose hereof.
- 3. This Act shall take effect immediately.

EXHIBIT

A

SECONDARY MANUFACTURERS NEW YORK OPIOID SETTLEMENT SHARING AGREEMENT

This Agreement sets forth the terms and conditions governing the sharing and allocation of funds between and among the State of New York and the New York Subdivisions (as defined below) received under the national settlements with Mylan Inc., Amneal Pharmaceuticals, Inc., Hikma Pharmaceuticals plc, Indivior plc, Apotex Inc., Sun Pharmaceutical Industries Ltd., Alvogen, Inc. and Zydus Lifesciences Limited (hereinafter the "Secondary Manufacturers"), each of which constitutes a "Statewide Opioids Settlement Agreement" as defined in N.Y. Mental Hyg. Law § 25.18(a)(8);

Whereas, the people of the State of New York and its communities have been harmed by misfeasance, nonfeasance, and malfeasance committed by Mylan Inc., Amneal Pharmaceuticals, Inc., Hikma Pharmaceuticals plc, Indivior plc, Apotex Inc., Sun Pharmaceutical Industries Ltd.. Alvogen, Inc. and Zydus Lifesciences Limited;

Whereas, the State of New York and New York Subdivisions are engaged in investigations of the Secondary Manufacturers and certain New York Subdivisions are engaged in litigation against some of the Secondary Manufacturers, seeking to hold them accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

Whereas, the State of New York and the New York Subdivisions share a common desire to abate and alleviate the impacts of the misfeasance, nonfeasance, and malfeasance of the Secondary Manufacturers throughout the State of New York;

Now therefore, the State of New York and the New York Subdivisions enter into this Agreement relating to the allocation, distribution, and use of the proceeds received as a result of the global settlements with the Secondary Manufacturers

I. DEFINITIONS

- A. "Approved Uses" means any opioid or substance use disorder related projects or programs that fall within the list of uses in Schedule F.
- B. "Lead State Agency" means the New York State Office of Addiction Services and Supports. As provided for in Section V, The Lead State Agency will coordinate with the New York Department of Health, the New York Office of Mental Health, and the New York Division of Housing and Community Renewal, as well as other agencies, to expend and oversee funds received from the Secondary Manufacturers Opioid Settlements deposited into the Opioid Settlement Fund.
- C. The "Advisory Board" means the advisory board created and described by N.Y. Mental Hyg. Law § 25.18(c).
- D. "Direct Share Subdivision" means every county of the State of New York other than the County of Nassau, the County of Suffolk, and the City of New York.

- E. "Large New York Cities" means New York cities other than New York City with a 2020 population of more than 90,000 i.e., the cities of Albany, Buffalo, Rochester, Syracuse and Yonkers.
- F. "New York Subdivisions" means each county, city, town, village or special district in New York.
- G. "Parties" means the State of New York and the New York Subdivisions who execute this agreement.
- H. "Secondary Manufacturers Opioid Settlements" shall mean the national settlements with Mylan Inc., Amneal Pharmaceuticals, Inc., Hikma Pharmaceuticals plc, Indivior plc, Apotex Inc., Sun Pharmaceutical Industries Ltd., Alvogen, Inc. and Zydus Lifesciences Limited.
- I. "Secondary Manufacturers Opioid Settlement Funds" shall mean the monetary amounts obtained by the State of New York from the Secondary Manufacturers Opioid Settlements.
- J. "Opioid Settlement Fund" means the fund created by Section IV, which will be used or distributed in accordance with Section IV and this Agreement.

II. GENERAL FINANCIAL AND STRUCTURE TERMS

- A. Scope of Agreement. This Agreement applies to New York State's share of the Remediation and Product Conversation Payments from the Secondary Manufacturers Opioid Settlements.
- B. Allocation and Distribution of Funds for Restitution and Abatement. With the exception of New York's share of Additional Remediation payments, 100% of which shall be distributed to the Lead State Agency to be placed in the Opioid Settlement Fund for Discretionary Spending on Approved Uses, all Secondary Manufacturers Opioid Settlement Funds shall be allocated and distributed as follows, with all percentages calculated using a denominator of New York's share of the Remediation Payments plus Product Conversation Payments.
 - 1. 16.39% to the Lead State Agency to be placed in the Opioid Settlement Fund for Regional Spending on Approved Uses. In combination, the amount of Regional Spending of the Opioid Settlement Fund committed to the Large New York Cities shall not be less than 1.89% of the total Secondary Manufacturers Opioid Settlement Funds. Additionally, Regional Spending in an amount of 0.18% of the Secondary Manufacturers Opioids Settlement Funds from the Mylan, Amneal and Hikma settlements shall be committed to the other litigating municipalities as listed in Schedule C and Regional Spending in an amount of 0.10% of the Secondary Manufacturers Opioid Settlement Funds from the Indivior settlement shall be committed the to the other litigating municipalities as listed in Schedule D.
 - 36.81% to the Lead State Agency to be placed in the Opioid Settlement Fund for
 Discretionary Spending on Approved Uses and for Administration of the Opioid Settlement
 Fund.

- 3. 10.80% to the Direct Share Subdivisions for spending on Approved Uses ("Direct Restricted Funds").
- 4. 6.68% to the County of Nassau for spending on Approved Uses.
- 5. 8.63% to the County of Suffolk for spending on Approved Uses.
- 6. **0.69%** to the Large New York Cities for spending on Approved Uses ("Large New York Cities Restricted Funds").
- 7. 20.00% to the City of New York for spending on Approved Uses.
- C. Execution of Releases. Every New York Subdivision that is entitled to Secondary Manufacturer Opioid Settlement Funds under this Agreement that has filed suit against a Secondary Manufacturer (as defined above) must timely execute and submit a release under that Secondary Manufacturer Opioids Settlement or lose its entitlement to all shares of Secondary Manufacturer Opioid Settlement Funds paid by that Secondary Manufacturer, whether distributed directly to them or through the Opioid Settlement Fund by the Lead State Agency.
- D. Redistribution in Certain Situations. In the event a New York Subdivision merges, dissolves, or ceases to exist, the allocation percentage(s) for that New York Subdivision shall be redistributed equitably based on the composition of the successor New York Subdivision. If a New York Subdivision for any reason is excluded from receiving Secondary Manufacturers Opioid Settlement Funds, including because it does not execute and submit a release as required by Section II.C, the allocation percentage(s) for that New York Subdivision shall be redistributed equitably among the remaining participating New York Subdivisions.
- E. **Direct Payment of Certain Funds**. All Secondary Manufacturers Opioid Settlement Funds allocated to the Direct Share Subdivisions, the Counties of Nassau and Suffolk, the Large New York Cities and the City of New York pursuant to Sections II.B.3, 4, 5, 6 and 7 shall be paid directly and as promptly as reasonably practicable to the Direct Share Subdivisions, the Counties of Nassau and Suffolk, the Large New York Cities, and the City of New York, respectively.
- F. Attorneys' Fees and Expenses. Unless state law or the applicable Statewide Opioid Settlement Agreement provides otherwise, Attorneys' fees and expenses will be determined and paid according to each Direct Share Subdivision's and New York Subdivision's contracts with its respective counsel.

III. THE DIRECT SHARE SUBDIVISION AND CITY OF NEW YORK FUNDS

A. Distribution of the Direct Share Subdivision Funds. The Direct Restricted Funds shall be paid to the Direct Share Subdivisions and will be fully distributed among them pursuant to the allocation set forth in Schedule A to this Agreement. The Large New York Cities Restricted Funds shall be paid to the Large New York Cities and will be fully distributed among them pursuant to the allocation set forth in Schedule B to this Agreement.

B. Certification of Spending on Approved Uses. Each year, the Direct Share Subdivisions, the Counties of Nassau and Suffolk, the Large New York Cities, and the City of New York shall certify to the Lead State Agency and the Advisory Board that all funds distributed to them pursuant to Sections II.B.3, 4, 5, 6 and 7 of this Agreement, as well as any interest earned on those funds, which were spent during the preceding year, were spent on projects and programs that constitute Approved Uses. These certifications shall be made by August 1 of each year following the year in which such funds were spent and shall be accompanied by a detailed accounting of the spending of such funds as well as analysis and evaluation of the projects and programs they have funded.

IV. THE OPIOID SETTLEMENT FUND

A. Establishment of the Opioid Settlement Fund.

- 1. Each year the Lead State Agency will allocate approximately 30.81% of the Opioid Settlement Fund (16.39% of the total Secondary Manufacturers Opioid Settlement Funds) for Approved Uses in the various regions, Large New York Cities and other litigating municipalities of New York State, except New York City and the Counties of Nassau and Suffolk, pursuant to a commitment to spend in each the corresponding percentages shown in Schedule C (for the Mylan, Amneal and Hikma settlements), Schedule D (for the Indivior settlement) or Schedule E (for the Apotex, Sun Pharmaceutical, Alvogen and Zydus settlements). Of this amount, at least 1.89% of the total Secondary Manufacturers Opioid Settlement Funds received by New York shall be set aside for Large New York Cities, as listed in Schedule C (for the Mylan, Amneal and Hikma settlements) and Schedule D (for the Indivior settlement) and Schedule E (for the Apotex, Sun Pharmaceutical, Alvogen and Zydus settlements). Furthermore, at least 0.18% of the total Opioids Settlement Funds from the Mylan, Amneal and Hikma settlements shall be committed the to the other litigating municipalities listed in Schedule C and at least 0.10% of the Opioid Settlement Funds from the Indivior settlement shall be committed the to the other litigating municipalities listed in Schedule D. Each New York Subdivision other than New York City and the Counties of Nassau and Suffolk may apply for and receive funds from the Opioid Settlement Fund, provided however, that each such Subdivision shall, as a condition to the receipt of these funds, certify at the end of each fiscal year during which it receives such funds that all funds provided to it under this provision of the Agreement, as well as any interest earned on such funds, were spent on projects and programs that constitute Approved Uses and provided that it complies with the reporting requirements set forth in Section IV.D.
- 2. Each year the Lead State Agency will set aside approximately 69.19% of the Opioid Settlement Fund (36.81% of the total Secondary Manufacturers Opioid Settlement Funds) for spending by the Lead State Agency to (a) fund State projects that constitute Approved Uses, and (b) carry out the duties of the Lead State Agency and Advisory Board under this Agreement, including oversight and administration of the Opioid Settlement Fund and the Advisory Board. No more than 5% of the total Opioid Settlement Fund may be used in any fiscal year for oversight and administrative costs of the Opioid Settlement Fund and

the Advisory Board.

- B. Approved Uses. The Approved Uses are set forth in Schedule F below. The Advisory Board may recommend to the Legislature adding or removing Approved Uses in response to changing substance use disorder needs in the state. The Advisory Board may not recommend that Approved Uses be removed from the list of Approved Uses without the vote of three-fourths of the present members of the Advisory Board. Funds required to be spent on "Approved Uses" must be used to increase or supplement the resources of the receiving local government or agency that are spent on Approved Uses. Such funds shall not be used to replace or supplant the government's or agency's appropriated resources. In determining whether supplantation has occurred, the Lead State Agency shall examine the government's or agency's budget as a whole to ensure that all Secondary Manufacturers Opioid Settlement Funds increase the entire Approved Use budget for the government or agency.
- C. Oversight and Auditing. The Lead State Agency will engage in oversight and audits of projects and programs funded through the Opioid Settlement Fund.
- D. New York Subdivision Reporting. Each New York Subdivision that receives funds from the Opioid Settlement Fund under this Agreement will annually provide to the Lead State Agency and Advisory Board a detailed accounting of the spending of such funds as well as analysis and evaluation of the projects and programs it has funded. Such accounting shall be provided by August 1 of each year following the year in which such funds were spent. The Lead Agency may withhold future funds from any New York Subdivision that is delinquent in providing this reporting, until the required report is submitted.
- E. Lead Agency Reporting. The Lead State Agency and other relevant government commissioners, in consultation with the Advisory Board, will annually provide the Governor, Speaker of the Assembly, the Temporary President of the Senate, and other legislative leaders as provided by law, a written report, which, among other things, provides a detailed accounting of the previous year's spending of all monies in the Opioid Settlement Fund, any spending by the Direct Share Subdivisions pursuant to Section II.B.3, any spending by the Counties of Nassau or Suffolk pursuant to Sections II.B.4 and 5, any spending by the Large New York Cities pursuant to Section II.B.6, and any spending by New York City pursuant to Section II.B.7, as well as an analysis and evaluation of the projects and programs so funded. This report shall be provided on or before November 1 of each year, beginning one year after the initial deposit of monies in the Opioid Settlement Fund. At the same time, in consultation with the Advisory Board, the Lead State Agency will report annually the results of research funded by funds from this Agreement, the status of any outstanding audits, and the non-binding recommendations of the Advisory Board.

V. THE ROLE OF THE ADVISORY BOARD

The Advisory Board established pursuant N.Y. Mental Hyg. Law § 25.18(c) will constitute the Advisory Board for this agreement.

VI. RETENTION OF JURISDICTION

The Supreme Court, County of Suffolk, shall retain jurisdiction of the Parties for the purpose of this Agreement, including its interpretation and enforcement.

Date: // 2025
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Date:
Date:
Date:

Counsel for	
	Date:
Counsel for	
	Date:

Counsel for	
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	Date:
Counsel for	
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Tounsel for	
A.	
	Date:
11.00.00	
ounsel for	127

Schedule A

Allegany	0.492651319%
Cattaraugus	0.885804166%
Chautauqua	1.712744591%
Erie	13.981832649%
Niagara	3.416877066%
Western Region	20.489909791%
Western Region	2011072077771
Genesee	0.710630089%
Livingston	0.678797077%
Monroe	9.384433024%
Ontario	1.309944722%
Orleans	0.412856571%
Seneca	0.386847050%
Wayne	0.994089249%
Wyoming	0.411657124%
Yates	0.247909288%
	14.537164194%
Finger Lakes Region	14.55/10419476
Broome	2.790673871%
Chemung	1.231939720%
Chenango	0.516475286%
Delaware	0.549364256%
	0.208248729%
Schuyler	
Steuben	1.137138754%
Tioga	0.542347836%
Tompkins	1.177586745%
Southern Tier Region	8.153775199%
C	0.00252275207
Cayuga	0.903523653%
Cortland	0.541036257%
Madison	0.810595101%
Onondaga	6.323758786%
Oswego	1.549495093%
Central NY Region	10.128408890%
n t	0.4600504500/
Fulton	0.462070473%
Herkimer	0.658308079%
Montgomery	0.453395949%
Oneida	2.826733181%
Otsego	0.670962131%
Schoharie	0.277769778%
Mohawk Valley Region	5.349239592%
Clinton	0.831513299%

Essex	0.367293246%
Franklin	0.457353060%
Hamilton	0.030269643%
Jefferson	1.273686826%
Lewis	0.251124198%
St. Lawrence	1.234262202%
North Country Region	4.445502475%
Albany	2.791375201%
Columbia	0.656790382%
Greene	0.793267678%
Rensselaer	1.270734936%
Saratoga	1.679317072%
Schenectady	1.217397796%
Warren	0.612162823%
Washington	0.479903545%
Capital Region	9.500949434%
Dutchess	4.381104459%
Orange	5.187725669%
Putnam	1.184886753%
Rockland	3.081816868%
Sullivan	1.888626559%
Ulster	2.462996041%
Westchester	9.207894077%
Mid-Hudson Region	27.395050426%

Schedule B

Albany	6.69566439%
Buffalo	33.53818545%
Rochester	22.51041501%
Syracuse	15.16878370%
Yonkers	22.08695145%

Schedule C

Western Region	17.902105443%
Finger Lakes Region	12.701170913%
Southern Tier Region	7.123981748%
Central NY Region	8.849226071%
Mohawk Valley Region	4.673649235%
North Country Region	3.884050972%
Capital Region	8.301012562%
Mid-Hudson Region	23.935150830%
Albany	0.772105290%
Buffalo	3.867429560%
Rochester	2.595770859%
Syracuse	1.749176400%
Yonkers	2.546939490%
Amsterdam City	0.043793638%
Auburn City	0.139176020%
Geneva City	0.057203724%
Herkimer Village	0.025449265%
Lackawanna City	0.033500073%
Ogdensburg City	0.033230003%
Poughkeepsie City	0.219365511%
Rome City	0.114936335%
Saratoga Springs City	0.103891975%
Utica City	0.327684983%

Schedule D

Western Region	18.002117205%
Finger Lakes Region	12.772127175%
Southern Tier Region	7.163780529%
Central NY Region	8.898663088%
Mohawk Valley Region	4.699759007%
North Country Region	3.905749581%
Capital Region	8.347386934%
Mid-Hudson Region	24.068866756%
Albany	0.772105290%
Buffalo	3.867429560%
Rochester	2.595770859%
Syracuse	1.749176400%
Yonkers	2.546939490%
Geneva City	0.058955060%
Herkimer Village	0.026228414%
Lackawanna City	0.034525703%
Ogdensburg City	0.034247366%
Rome City	0.118455199%
Utica City	0.337716384%

Schedule E

Western Region	18.127131908%
Finger Lakes Region	12.860822502%
Southern Tier Region	7.213529004%
Central NY Region	8.960459360%
Mohawk Valley Region	4.732396222%
North Country Region	3.932872842%
Capital Region	8.405354899%
Mid-Hudson Region	24.236011664%
Albany	0.772105290%
Buffalo	3.867429560%
Rochester	2.595770859%
Syracuse	1.749176400%
Yonkers	2.546939490%

Schedule F – Approved Uses

I. TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

- 1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.
- 2. Support and reimburse services that include the full American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUD/MH conditions, including but not limited to:
 - a. Medication-Assisted Treatment (MAT);
 - b. Abstinence-based treatment;
 - c. Treatment, recovery, or other services provided by states, subdivisions, community health centers; non-for-profit providers; or for-profit providers;
 - d. Treatment by providers that focus on OUD treatment as well as treatment by providers that offer OUD treatment along with treatment for other SUD/MH conditions; or
 - e. Evidence-informed residential services programs, as noted below.
- Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
- 4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based, evidence-informed or promising practices such as adequate methadone dosing and low threshold approaches to treatment.
- 5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
- 6. Treatment of mental health trauma resulting from the traumatic experiences of the opioid user (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
- 7. Support detoxification (detox) and withdrawal management services for persons with OUD and any co-occurring SUD/MH conditions, including medical detox, referral to treatment, or connections to other services or supports.

- 8. Training for MAT for health care providers, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or undeserved areas.
- 9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
- 10. Fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
- 11. Scholarships and supports for certified addiction counselors and other mental and behavioral health providers involved in addressing OUD any co-occurring SUD/MH conditions, including but not limited to training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
- 12. Scholarships for persons to become certified addiction counselors, licensed alcohol and drug counselors, licensed clinical social workers, and licensed mental health counselors practicing in the SUD field, and scholarships for certified addiction counselors, licensed alcohol and drug counselors, licensed clinical social workers, and licensed mental health counselors practicing in the SUD field for continuing education and licensing fees.
- 13. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD and provide technical assistance and professional support for clinicians who have obtained a DATA 2000 waiver.
- 14. Dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.
- 15. Development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in treatment for and recovery from OUD and any co-occurring SUD/MH conditions through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

- Provide the full continuum of care of recovery services for OUD and any co-occurring SUD/MH
 conditions, including supportive housing, residential treatment, medical detox services, peer support
 services and counseling, community navigators, case management, transportation, and connections to
 community-based services.
- 2. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.

- 3. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, or training for housing providers.
- 4. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
- 5. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
- 6. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
- 7. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.
- 8. Identifying successful recovery programs such as physician, pilot, and college recovery programs, and providing support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
- 9. Engaging non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to manage the opioid user in the family.
- 10. Training and development of procedures for government staff to appropriately interact and provide social and other services to current and recovering opioid users, including reducing stigma.
- 11. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
- 12. Create or support culturally-appropriate services and programs for persons with OUD and any cooccurring SUD/MH conditions, including new Americans.
- 13. Create and/or support recovery high schools.

C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED (CONNECTIONS TO CARE)

Provide connections to care for people who have – or at risk of developing – OUD and any cooccurring SUD/MH conditions through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.

- 2. Fund Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders.
- 3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is most common.
- 4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
- 5. Training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
- 6. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into community treatment or recovery services through a bridge clinic or similar approach.
- Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
- Support the work of Emergency Medical Systems, including peer support specialists, to connect
 individuals to treatment or other appropriate services following an opioid overdose or other opioidrelated adverse event.
- 9. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
- 10. Provide funding for peer navigators, recovery coaches, care coordinators, or care managers that offer assistance to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced on opioid overdose.
- 11. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and supporting prevention, intervention, treatment, and recovery programs focused on young people.
- 12. Develop and support best practices on addressing OUD in the workplace.
- 13. Support assistance programs for health care providers with OUD.
- 14. Engage non-profits and faith community as a system to support outreach for treatment.
- 15. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

- 16. Create or support intake and call centers to facilitate education and access to treatment, prevention, and recovery services for persons with OUD and any co-occurring SUD/MH conditions.
- 17. Develop or support a National Treatment Availability Clearinghouse a multistate/nationally accessible database whereby health care providers can list locations for currently available in-patient and out-patient OUD treatment services that are accessible on a real-time basis by persons who seek treatment.

D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved – or are at risk of becoming involved – in the criminal justice system through evidence-based, evidence-informed or promising programs or strategies that may include, but are not limited to, the following:

- 1. Support pre-arrest and pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
- a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);
- b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;
- c. "Naloxone Plus" strategies, which work to ensure that individuals who have received Naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
- d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model; or
- e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
- f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise and to reduce perceived barriers associated with law enforcement 911 responses.
- 2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
- 3. Support treatment and recovery courts for persons with OUD and any co-occurring SUD/MH conditions, but only if they provide referrals to evidence-informed treatment, including MAT.
- 4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
- 5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison, who have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.

- 6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
- 7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

E. <u>ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR</u> <u>FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME</u>

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

- 1. Support evidence-based, evidence-informed, or promising treatment, including MAT, recovery services and supports, and prevention services for pregnant women or women who could become pregnant who have OUD and any co-occurring SUD/MH conditions, and other measures educate and provide support to families affected by Neonatal Abstinence Syndrome.
- 2. Training for obstetricians and other healthcare personnel that work with pregnant women and their families regarding OUD treatment and any co-occurring SUD/MH conditions.
- 3. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.
- 4. Child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
- 5. Enhanced family supports and child care services for parents with OUD and any cooccurring SUD/MH conditions.
- 6. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
- 7. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including but not limited to parent skills training.
- 8. Support for Children's Services Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

II. PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

- 1. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
- 2. Academic counter-detailing to educate prescribers on appropriate opioids prescribing.
- 3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
- 4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
- 5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:
- a. Increase the number of prescribers using PDMPs;
- b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or
- c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD.
- 6. Development and implementation of a national PDMP Fund development of a multistate/national PDMP that permits information sharing while providing appropriate safeguards on sharing of private health information, including but not limited to:
- a. Integration of PDMP data with electronic health records, overdose episodes, and decision support tools for health care providers relating to OUD.
- b. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database.
- 7. Increase electronic prescribing to prevent diversion or forgery.
- 8. Educating Dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

- 1. Corrective advertising or affirmative public education campaigns based on evidence.
- 2. Public education relating to drug disposal.
- 3. Drug take-back disposal or destruction programs.
- 4. Fund community anti-drug coalitions that engage in drug prevention efforts.
- 5. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).
- 6. Engaging non-profits and faith community as a system to support prevention.
- 7. Support evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
- 8. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
- 9. Support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
- 10. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
- 11. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or other drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

- Increasing availability and distribution of naloxone and other drugs that treat overdoses to first
 responders, overdose patients, opioid users, families and friends of opioid users, schools, community
 navigators and outreach workers, drug offenders upon release from jail/prison, and other members of the
 general public.
- 2. Public health entities provide free naloxone to anyone in the community, including but not limited to provision of intra-nasal naloxone in settings where other options are not available or allowed.
- 3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, and other members of the general public.
- 4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
- 5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.
- 6. Public education relating to emergency responses to overdoses.
- 7. Public education relating to immunity and Good Samaritan laws.
- 8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.
- 9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
- 10. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
- 11. Support mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
- 12. Provide training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
- 13. Support screening for fentanyl in routine clinical toxicology testing.

III. OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items C8, D1 through D7, H1, H3, and H8, support the following:

- 1. Law enforcement expenditures related to the opioid epidemic
- 2. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
- 3. Provisions of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, and coordination to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

- Community regional planning to identify goals for reducing harms related to the opioid epidemic, to
 identify areas and populations with the greatest needs for treatment intervention services, or to support
 other strategies to abate the opioid epidemic described in this opioid abatement strategy list including,
 but not limited to costs associated with local opioid task forces, community buprenorphine waiver
 trainings, and coordination and operation of community-based treatment prevention programing.
- 2. A government dashboard to track key opioid-related indicators and supports as identified through collaborative community processes.
- 3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
- 4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to in items above A7, A8, A9, A12, A13, A14, A15, B7, B10, C3, C5, E2, E4, F1, F3, F8, G5, H3, H12, and I2, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

- 1. Provide funding for staff training or network programs and services regarding the capability of government, community, and not-for-profit entities to abate the opioid crisis.
- Support infrastructure and staffing for collaborative cross-systems coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

- 1. Monitoring, surveillance, and evaluation of programs and strategies described in this opioid abatement strategy list.
- 2. Research non-opioid treatment of chronic pain.
- 3. Research improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.
- 4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
- 5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
- 6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).
- 7. Research on expanded modalities such as prescription methadone that can expand access to MAT.
- 8. Epidemiological surveillance of OUD-related behaviors in critical populations including individuals entering the criminal justice system, including but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (ADAM) system.
- Qualitative and quantitative research regarding public health risks and harm reduction opportunities
 within illicit drug markets, including surveys of market participants who sell or distribute illicit
 opioids.
- 10. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

M. POST-MORTEM

- 1. Toxicology tests for the range of synthetic opioids presently seen in overdose deaths as well as newly evolving synthetic opioids infiltrating the drug supply.
- Toxicology method development and method validation for the range of synthetic opioids observed now and in the future, including the cost of installation, maintenance, repairs and training of capital equipment.
- 3. Autopsies in cases of overdose deaths resulting from opioids and synthetic opioids.

- 4. Additional storage space/facilities for bodies directly related to opioid or synthetic opioid related deaths.
- 5. Comprehensive death investigations for individuals where a death is caused by or suspected to have been caused by an opioid or synthetic opioid overdose, whether intentional or accidental.
- 6. Indigent burial for unclaimed remains resulting from overdose deaths.
- 7. Navigation-to-care services for individuals with opioid use disorder who are encountered by the medical examiner's office as either family and/or social network members of decedents dying of opioid overdose.
- 8. Epidemiologic data management and reporting to public health and public safety stakeholders regarding opioid overdose fatalities.

EXHIBIT

B

EXHIBIT K

Secondary Manufacturers' Combined Subdivision Participation and Release Form ("Combined Participation Form")

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	r
Phone:	-
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to each of the settlements which are listed in paragraph I below (each a "Secondary Manufacturer's Settlement" and collectively, "the Secondary Manufacturers' Settlements"), and acting through the undersigned authorized official, hereby elects to participate in each of the Secondary Manufacturers' Settlements, release all Released Claims against all Released Entities in each of the Secondary Manufacturers' Settlements, and agrees as follows.

- 1. The Participating Entity hereby elects to participate in each of the following Secondary Manufacturers' Settlements as a Participating Entity:
 - a. Settlement Agreement for Alvogen, Inc. dated April 4, 2025.
 - b. Settlement Agreement for Apotex Corp. dated April 4, 2025.
 - c. Settlement Agreement for Amneal Pharmaceuticals LLC dated April 4, 2025.
 - d. Settlement Agreement for Hikma Pharmaceuticals USA Inc. dated April 4, 2025.
 - e. Settlement Agreement for Indivior Inc. dated April 4, 2025.
 - f. Settlement Agreement for Viatris Inc. ("Mylan") dated April 4, 2025.
 - g. Settlement Agreement for Sun Pharmaceutical Industries, Inc. dated April 4, 2025.
 - h. Settlement Agreement for Zydus Pharmaceuticals (USA) Inc. dated April 4, 2025.
- 2. The Governmental Entity is aware of and has reviewed each of the Secondary Manufacturers' Settlements, understands that all capitalized terms not defined in this Combined Participation Form have the meanings defined in each of the Secondary Manufacturers' Settlements, and agrees that by executing this Combined Participation Form, the Governmental Entity elects to participate in each of the Secondary Manufacturers' Settlements and become a Participating Subdivision as provided in each of the Secondary Manufacturers' Settlements.
- 3. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed against any Released Entity in each of the Secondary Manufacturers' Settlements. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity

authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice for each of the manufacturers listed in paragraph 1 above substantially in the form found at https://nationalopioidsettlement.com/additional-settlements/.

- 4. The Governmental Entity agrees to the terms of each of the Secondary Manufacturers' Settlements pertaining to Participating Subdivisions as defined therein.
- 5. By agreeing to the terms of each of the Secondary Manufacturers' Settlements and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
- 6. The Governmental Entity agrees to use any monies it receives through each of the Secondary Manufacturers' Settlements solely for the purposes provided therein.
- 7. The Governmental Entity submits to the jurisdiction of the court and agrees to follow the process for resolving any disputes related to each Secondary Manufacturer's Settlement as described in each of the Secondary Manufacturers' Settlements.
- 8. The Governmental Entity has the right to enforce each of the Secondary Manufacturers' Settlements as provided therein.
- 9. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in each of the Secondary Manufacturers' Settlements, including without limitation all provisions related to release of any claims,² and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in his or her official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in each of the Secondary Manufacturers' Settlements in any forum whatsoever. The releases provided for in each of the Secondary Manufacturers' Settlements are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities in each of the Secondary Manufacturers' Settlements the broadest possible bar against any liability relating in any

¹ See Settlement Agreement for Alvogen, Inc. Section VII.F.2; Settlement Agreement for Apotex Corp. Section VII.F.2; Settlement Agreement for Amneal Pharmaceuticals LLC Section VII.F.2; Settlement Agreement for Hikma Pharmaceuticals USA Inc. Section VII.F.2; Settlement Agreement for Indivior Section VI.F.2; Settlement Agreement for Mylan Section VI.F.2; Settlement Agreement for Sun Pharmaceutical Industries, Inc. Section VII.F.2; Settlement Agreement for Zydus Pharmaceuticals (USA) Inc. Section VII.F.2.

² See Settlement Agreement for Alvogen, Inc. Section XI; Settlement Agreement for Amneal Pharmaceuticals LLC Section X; Settlement Agreement for Apotex Corp. Section XI; Settlement Agreement for Hikma Pharmaceuticals USA Inc. Section XI; Settlement Agreement for Indivior Section X; Settlement Agreement for Mylan Section X; Settlement Agreement for Sun Pharmaceutical Industries, Inc. Section XI; Settlement Agreement for Zydus Pharmaceuticals (USA) Inc. Section XI.

way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. Each of the Secondary Manufacturers' Settlements shall be a complete bar to any Released Claim against that manufacturer's Released Entities.

- 10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in each of the Secondary Manufacturers' Settlements.
- 11. In connection with the releases provided for in each of the Secondary Manufacturers' Settlements, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims in each of the Secondary Manufacturers' Settlements, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in each of the Secondary Manufacturers' Settlements.

- 12. The Governmental Entity understands and acknowledges that each of the Secondary Manufacturers' Settlements is an independent agreement with its own terms and conditions. Nothing herein is intended to modify in any way the terms of any of the Secondary Manufacturers' Settlements, to which Governmental Entity hereby agrees, aside from the exceptions in paragraph 13 below. To the extent this Combined Participation Form is interpreted differently from any of the Secondary Manufacturers' Settlements in any respect, the individual Secondary Manufacturer's Settlement controls.
- 13. For the avoidance of doubt, in the event that some but not all of the Secondary Manufacturers' Settlements proceed past their respective Reference Dates, all releases and other commitments or obligations shall become void *only as to* those Secondary Manufacturers' Settlements that fail to proceed past their Reference Dates. All releases and other commitments or obligations (including those contained in this Combined Participation Form) shall remain in full effect as to each Secondary Manufacturer's Settlement that proceeds past its Reference Date, and this Combined Participation Form need not be modified, returned, or destroyed as long as any Secondary Manufacturer's Settlement proceeds past its Reference Date.

I have all ned on behalf of the Gov		execute this Combined Participation Form
	Signature:	
	Name:	
	Title:	
	Date:	

WESTCHESTER COUNTY

BOARD OF LEGISLATORS

Vedat Gashi

Chairman of the Board Legislator, 4th District



TO:

Hon. Jewel Williams Johnson

Chair, Budget & Appropriations

Hon. Colin Smith

Chair, Law & Major Contracts

FROM:

Hon. Vedat Gashi

Chairman of the Board

Velat Oalin

DATE:

September 18, 2025

RE:

ACT – OPIOID LAWSUIT SETTLEMENT

As Chairman of the Board of Legislators, I am placing the below items directly into the Committees on Budget & Appropriations and Law & Major Contracts.

Thank you.

(ID: 2025-405) ACT – Opioid Settlement - Additional Manufacturers

AN ACT authorizing the County of Westchester to settle the claims against additional manufacturers Alvogen, Inc.; Amneal Pharmaceuticals, Inc.; Apotex Inc.; Hikma Pharmaceuticals USA Inc.; Indivior Inc.; Mylan Pharmaceuticals Inc.; Sun Pharmaceutical Industries, Inc.; and Zydus Pharmaceuticals (USA), Inc. in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled The County of Westchester v. Purdue Pharma, et al., arising out of the alleged abuse and misuse of opioids.

(ID: 2025-406) ACT - Opioid Settlement, Purdue/Sackler

AN ACT authorizing the County of Westchester to settle the claims against Purdue Pharma LP ("Purdue") as set forth in the Purdue/Sackler bankruptcy settlement plan (the "Plan") in an adversary proceeding filed in the Supreme Court of the State of NY, Westchester County, titled The County of Westchester v. Purdue Pharma, et al. arising out of the alleged abuse and misuse of opioids.

CC:

Jill Axelrod

Marcello Figueroa James Silverberg Dylan Tragni Sunday Vanderberg

Tel: (914) 995-2848 • Fax: (914) 995-3884 • E-mail: Gashi@westchesterlegislators.com



Kenneth W. Jenkins County Executive

Office of the County Attorney

John M. Nonna County Attorney

September 18, 2025

Westchester County Board of Legislators 800 Michaelian Office Building 148 Martine Avenue White Plains, NY 10601

Re:

An Act authorizing the County of Westchester to settle the claims against Purdue Pharma LP ("Purdue") as set forth in the Purdue/Sackler bankruptcy settlement plan (the "Plan") in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018, transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County (the "Instant Proceeding") arising out of the alleged abuse and misuse of opioids.

Dear Honorable Members of the Board:

Attached for your review is proposed legislation that, if enacted, would authorize the County of Westchester to enter a settlement and general release agreement fully resolving the claims against Purdue Pharma LP ("Purdue") as set forth in the Purdue/Sackler bankruptcy settlement plan (the "Plan") in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018, transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County (the "Instant Proceeding") arising out of the alleged abuse and misuse of opioids.

The Instant Proceeding

On February 6, 2018, the County commenced an action against opioid manufacturers, distributors and dispensers in the Supreme Court of the State of New York, County of Westchester. The Complaint asserted several causes of action, such as deceptive marketing, false advertising, public nuisance, misrepresentation, fraud, negligence, and unjust enrichment

and conspiracy, alleging that each of the Defendants contributed to the opioid epidemic that Westchester County has been battling and will continue to battle for the foreseeable future. The causes of action against the various Defendants are based on claims that they contributed to the opioid epidemic by violating state and federal statutes related to the manufacturing, distribution and sale of opioids, all of which contributed to a public health crisis. Since the litigation's inception in 2018, many of the County's claims against the Defendants have been resolved through settlement.

Terms of the Proposed Settlement

Defendant Purdue filed for bankruptcy in 2019. In 2021, a proposed settlement with the Sackler family defendants, along with a corresponding reorganization plan, was submitted to the bankruptcy court. That plan became the subject of additional litigation. It was challenged and ultimately vacated by the courts. Several states and other plaintiffs objected to the plan's provision releasing the Sackler family from personal liability. In 2024, the U.S. Supreme Court affirmed the invalidation of the proposed settlement and bankruptcy plan.

Following the Supreme Court's decision, the State AGs, Purdue, and the Sacklers resumed negotiations and reached a new, two-part proposed settlement. These settlements are being implemented in connection with Purdue's ongoing bankruptcy proceedings and include: (1) a settlement of direct claims against the Sackler family by states, local governments, and other creditors (the "Direct Settlement"), and (2) a settlement of Purdue's bankruptcy estate, which includes contributions from the Sacklers and certain other parties (the "Estate Settlement"). Under the revised plan, the Sackler family defendants will be required to pay \$6.5 billion over 15 years, including 1.5 billion in the first year.

The 13th Amended Joint Chapter 11 Plan of Reorganization of Purdue was filed with the Bankruptcy Court on May 16, 2025. As part of that reorganization, a Governmental Entity and Shareholder Direct Settlement Agreement ("GESA") was negotiated and was approved by all 50 state attorneys general. That agreement provides for a number of covenants or limitations by the Sackler Parties, including:

- 1. Naming Rights the Sacklers agree: (i) not to seek naming rights using the "Sackler" name with respect to any charitable donations or organizations; and (ii) upon the effectiveness of the Plan, allow any institution that has provided naming rights to the Sacklers to remove the "Sackler" name from any physical facilities, academic, medical, and cultural programs, scholarships, endowments, etc.
- 2. Opioid Business numerous people in the Sackler families are prohibited from, other than through the international affiliated companies they own, engaging directly or indirectly in the manufacturing or sale of opioids, and such persons that own any entities who are involved in the sale of opioids, may not actively manage such entities, shall not consent to any actions intended to lead to an expansion of the opioid business of such entities, and are required to use commercially reasonable best efforts to pursue exit opportunities with respect to such entities.

Pursuant to an allocation formula, if the County participates in the settlement, the County will be paid approximately \$5,000,000 (five million dollars) over 15 years, with approximately ¼ of that amount distributed during the first year. All of the settlement funds must be used for

"Approved Uses" (towards prevention, treatment, education and other types of abatement) as defined in the New York Global Payment Opioid Settlement Sharing Agreement.

In order to become a party to the Settlement Agreement, Westchester County has to do the following:

- 1. Sign on to the New York Purdue/Sackler Sharing Agreement (Exhibit "A") attached;
- 2. Sign the Subdivision Participation and Release Form related to the Direct Settlement (Exhibit "B") attached; and
- 3. Authorize Napoli Shkolnik to vote on its behalf in favor of Purdue's bankruptcy plan by signing consent authorization

Recommendation of Westchester County Attorney's Office

Litigation concerning the opioid epidemic has been pending for over seven years. Westchester County has suffered tremendous losses and continues to suffer the effects of the epidemic and will for the foreseeable future. The funds it will receive in this settlement will help offset some of those costs and can be used for future abatement purposes. The County Attorney recommends accepting this settlement, as opposed to assuming the risks and burdens of litigating against this Defendant individually.

I respectfully request authority from this Board pursuant to Section 158.11 of the Westchester County Charter to settle the above-referenced matter. I therefore recommend passage of the accompanying Act.

Very truly yours,

July My Munn

County Attorney

BOARD OF LEGISLATORS COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Board, would authorize the County of Westchester ("County") to enter a settlement and general release agreement fully resolving the pending claims of the County against Purdue Pharma ("Purdue") as set forth in the Purdue/Sackler bankruptcy settlement plan (the "Plan"), pending in a proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018 (transferred to the coordinated proceeding in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County) (the "Instant Proceeding") arising out of the alleged abuse and misuse of opioids.

On February 6, 2018, the County of Westchester commenced an action against opioid manufacturers, distributors and dispensers in the Supreme Court of the State of New York, County of Westchester. The Complaint asserted several causes of action, such as deceptive marketing, false advertising, public nuisance, misrepresentation, fraud, negligence, and unjust enrichment and conspiracy, alleging that each of the Defendants contributed to the opioid epidemic that Westchester County has been battling and will continue to battle for the foreseeable future. The causes of action against the various Defendants are based on claims that they contributed to the opioid epidemic by violating state and federal statutes related to the manufacturing, distribution and sale of opioids, all of which contributed to a public health crisis. Since the litigation's inception in 2018, many of the County's claims against the Defendants have been resolved through settlement.

Defendant Purdue filed for bankruptcy in 2019. In 2021, a proposed settlement with the Sackler family defendants, along with a corresponding reorganization plan, was submitted to the bankruptcy court. That plan became the subject of additional litigation. It was challenged and ultimately vacated by the courts. Several states and other plaintiffs objected to the plan's provision releasing the Sackler family from personal liability. In 2024, the U.S. Supreme Court affirmed the invalidation of the proposed settlement and bankruptcy plan.

Following the Supreme Court's decision, the State AGs, Purdue, and the Sacklers resumed negotiations and reached a new, two-part proposed settlement. These settlements are being implemented in connection with Purdue's ongoing bankruptcy proceedings and include:

(1) a settlement of direct claims against the Sackler family by states, local governments, and other creditors (the "Direct Settlement"), and (2) a settlement of Purdue's bankruptcy estate, which includes contributions from the Sacklers and certain other parties (the "Estate Settlement"). Under the revised plan, the Sackler family defendants will be required to pay \$6.5 billion over 15 years, including 1.5 billion in the first year.

The 13th Amended Joint Chapter 11 Plan of Reorganization of Purdue was filed with the Bankruptcy Court on May 16, 2025. As part of that reorganization, a Governmental Entity and Shareholder Direct Settlement Agreement ("GESA") was negotiated and was approved by all 50 state attorneys general. That agreement provides for a number of covenants or limitations by the Sackler Parties, including:

Naming Rights – the Sacklers agree (i) not to seek naming rights using the "Sackler"
name with respect to any charitable donations or organizations, and (ii) upon the
effectiveness of the Plan, allow any institution that has provided naming rights to the

- Sacklers to remove the "Sackler" name from any physical facilities, academic, medical, and cultural programs, scholarships, endowments, etc.
- 2. Opioid Business numerous people in the Sackler families are prohibited from, other than through the international affiliated companies they own, engaging directly or indirectly in the manufacturing or sale of opioids and such persons that own any entities who are involved in the sale of opioids, may not actively manage such entities, shall not consent to any actions intended to lead to an expansion of the opioid business of such entities, and are required to use commercially reasonable best efforts to pursue exit opportunities with respect to such entities.

Pursuant to an allocation formula, if the County participates in the settlement, the County will be paid approximately \$5,000,000 (five million dollars) over 15 years, with approximately ¼ of that amount distributed during the first year. All of the settlement funds must be used for "Approved Uses" (towards prevention, treatment, education and other types of abatement) as defined in the New York Global Payment Opioid Settlement Sharing Agreement.

In order to become a party to the Settlement Agreement, Westchester County has to do the following:

- 1. Sign on to the New York Purdue/Sackler Sharing Agreement (Exhibit "A") attached;
- 2. Sign the Subdivision Participation and Release Form related to the Direct Settlement (Exhibit "B") attached;
- 3. Authorize Napoli Shkolnik to vote on its behalf in favor of Purdue's bankruptcy plan by signing consent authorization.

Your Committee has carefully considered the matter and recommends approval of the

annexed Act. The Act, which would authorize the County to enter into the proposed settlement

to effectuate the resolution of the lawsuit, is in the best interests of the County.

Your Committee therefore recommends this Honorable Board approve the annexed Act

authorizing the County to enter into the proposed settlement of the above-referenced lawsuit. An

affirmative vote by a majority of the Board is required to pass this Act.

Dated: White Plains, New York

September 18, 2025

COMMITTEE ON

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ACT NO. 2025

AN ACT authorizing the County of Westchester to settle the claims against Purdue Pharma LP ("Purdue") as set forth in the Purdue/Sackler bankruptcy settlement plan (the "Plan") in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018, transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County (the "Instant Proceeding") arising out of the alleged abuse and misuse of opioids.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

- 1. The County of Westchester is hereby authorized to settle its claims against Purdue Pharma LP ("Purdue") as set forth in the Purdue/Sackler bankruptcy settlement plan (the "Plan") in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma*, et al., Index No. 51606/2018, transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County (the "Instant Proceeding") arising out of the alleged abuse and misuse of opioids.
- The County Attorney or his designee is hereby authorized to execute and deliver all
 documents and take such actions as the County Attorney deems necessary or desirable
 to accomplish the purpose hereof.
- 3. This Act shall take effect immediately.

EXHIBIT

A

NEW YORK OPIOID SETTLEMENT SHARING AGREEMENT – PURDUE PHARMA AND SACKLER SETTLEMENT

This Agreement sets forth the terms and conditions governing the sharing and allocation of funds between and among the State of New York and the New York Subdivisions (as defined below) received under the Joint Chapter 11 Plan of Reorganization of Purdue Pharma. L.P. and Its Affiliated Debtors ("Purdue Bankruptcy Plan") (defined below), as well as the Government Entity Direct Shareholders Settlement Agreement ("GESA"), and constitutes as a "State-Subdivision Agreement" as defined in the GESA, which is a "Statewide Opioids Settlement Agreement" as defined in N.Y. Mental Hyg. Law § 25.18(a)(8);

Whereas, the people of the State of New York and its communities have been harmed by misfeasance, nonfeasance, and malfeasance committed by Purdue Pharma, L.P., as well as the entities, individuals, and companies released as part of the *In re: Purdue Pharma*, *L.P.*, et al., Case No. 19-23649-shl (Bankr. S.D,N.Y) ("Purdue") and the GESA;

Whereas, the State of New York and certain New York Subdivisions are engaged in litigation, seeking to hold Purdue accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

Whereas, the State of New York and the New York Subdivisions share a common desire to abate and alleviate the impacts of the misfeasance, nonfeasance, and malfeasance of Purdue throughout the State of New York;

Now therefore, the State of New York and the New York Subdivisions enter into this Agreement relating to the allocation, distribution, and use of the proceeds received as a result of the confirmed Purdue Bankruptcy Plan (as defined below).

I. DEFINITIONS

- A. "Approved Uses" means any opioid or substance use disorder related projects or programs that fall within the list of uses in Schedule D.
- B. "Lead State Agency" means the New York State Office of Addiction Services and Supports. As provided for in Section V, The Lead State Agency will coordinate with the New York Department of Health, the New York Office of Mental Health, and the New York Division of Housing and Community Renewal, as well as other agencies, to expend and oversee funds from the Purdue Bankruptcy Plan deposited into the Opioid Settlement Fund.
- C. The "Advisory Board" means the advisory board created and described by N.Y. Mental Hyg. Law § 25.18(c).
- D. "Direct Share Subdivision" means every county of the State of New York other than the County of Nassau, the County of Suffolk, and the City of New York.
- E. "Fees and Costs Payment" means the portion of the Purdue Opioid Settlement Funds paid to

- States pursuant to Section 5.9 of the Plan and Article 9 of the GESA.
- F. "Large New York Cities" means New York cities other than New York City with a 2020 population of more than 90,000 i.e., the cities of Albany, Buffalo, Rochester, Syracuse and Yonkers.
- G. "New York Subdivisions" means each county, city, town, village or special district in New York.
- H. "Parties" means the State of New York and the New York Subdivisions who execute this agreement.
- I. "Purdue Opioid Settlement Funds" shall mean the monetary amounts obtained by the State of New York from the Purdue Bankruptcy Plan and the GESA.
- J. "Opioid Settlement Fund" means the fund created by Section IV, which will be used or distributed in accordance with Section IV and this Agreement.

II. GENERAL FINANCIAL AND STRUCTURE TERMS

- A. Scope of Agreement. This Agreement applies to New York State's share of the Remediation Payment and the Fees and Costs Payment from the Purdue Bankruptcy Plan and the GESA.
- B. Allocation and Distribution of Funds for Restitution and Abatement. With the exception of (i) \$10 million each to be paid to Nassau and Suffolk Counties in accordance with Schedule E for spending on Approved Uses¹, (ii) as well as New York's share of the Fees and Costs Payment, 100% of which shall be distributed to the Lead State Agency to be placed in the Opioid Settlement Fund for Discretionary Spending on Approved Uses, all Purdue Opioid Settlement Funds shall be allocated and distributed as follows, with all percentages calculated using a denominator of New York's share of the Remediation Payment.
 - 1. 16.39% to the Lead State Agency to be placed in the Opioid Settlement Fund for Regional Spending on Approved Uses. In combination, the amount of Regional Spending of the Opioid Settlement Fund committed to the Large New York Cities shall not be less than 1.89% of the total Opioid Settlement Funds and the amount committed to the other litigating municipalities listed in Schedule C shall not be less than 0.34%.
 - 33.33% to the Lead State Agency to be placed in the Opioid Settlement Fund for
 Discretionary Spending on Approved Uses and for Administration of the Opioid Settlement
 Fund.

¹ Nassau and Suffolk Counties or their counsel will communicate to the Purdue Settlement Administrator that such payments shall be made to Nassau County's counsel, Napoli Shkolnik PLLC, and Suffolk County's Counsel, Simmons Hanly Conroy LLC, pursuant to wire instructions to be provided.

- 3. 10.80% to the Direct Share Subdivisions for spending on Approved Uses ("Direct Restricted Funds").
- 4. 6.68% to the County of Nassau for spending on Approved Uses.
- 5. 8.63% to the County of Suffolk for spending on Approved Uses.
- 6. **0.69%** to the Large New York Cities for spending on Approved Uses ("Large New York Cities Restricted Funds").
- 7. 20.00% to the City of New York for spending on Approved Uses.
- C. Execution of Releases. Every New York Subdivision that is entitled to Purdue Opioid Settlement Funds under this Agreement that has filed suit against Purdue (as defined above) must timely execute and submit a release under the Purdue Bankruptcy Plan or lose its entitlement to all shares of the Purdue Opioid Settlement Funds, whether distributed directly to them or through the Opioids Settlement Fund by the Lead State Agency.
- D. Redistribution in Certain Situations. In the event a New York Subdivision merges, dissolves, or ceases to exist, the allocation percentage(s) for that New York Subdivision shall be redistributed equitably based on the composition of the successor New York Subdivision. If a New York Subdivision for any reason is excluded from receiving Purdue Opioid Settlement Funds, including because it does not execute and submit a release as required by Section II.C, the allocation percentage(s) for that New York Subdivision shall be redistributed equitably among the remaining participating New York Subdivisions.
- E. **Direct Payment of Certain Funds**. All Purdue Opioid Settlement Funds allocated to the Direct Share Subdivisions, the Counties of Nassau and Suffolk, the Large New York Cities and the City of New York pursuant to Sections II.B.3, 4, 5, 6 and 7 shall be paid directly and as promptly as reasonably practicable to the Direct Share Subdivisions, the Counties of Nassau and Suffolk, the Large New York Cities, and the City of New York, respectively.
- F. Attorneys' Fees and Expenses. Unless state law or the applicable Statewide Opioid Settlement Agreement provides otherwise, Attorneys' fees and expenses will be determined and paid according to each Direct Share Subdivision's and New York Subdivision's contracts with its respective counsel.

III. THE DIRECT SHARE SUBDIVISION AND CITY OF NEW YORK FUNDS

- A. **Distribution of the Direct Share Subdivision Funds.** The Direct Restricted Funds shall be paid to the Direct Share Subdivisions and will be fully distributed among them pursuant to the allocation set forth in Schedule A to this Agreement. The Large New York Cities Restricted Funds shall be paid to the Large New York Cities and will be fully distributed among them pursuant to the allocation set forth in Schedule B to this Agreement.
- B. Certification of Spending on Approved Uses. Each year, the Direct Share Subdivisions, the Counties of Nassau and Suffolk, the Large New York Cities, and the City of New York shall

certify to the Lead State Agency and the Advisory Board that all funds distributed to them pursuant to Sections II.B.3, 4, 5, 6 and 7 of this Agreement, as well as any interest earned on those funds, which were spent during the preceding year, were spent on projects and programs that constitute Approved Uses. These certifications shall be made by August 1 of each year following the year in which such funds were spent and shall be accompanied by a detailed accounting of the spending of such funds as well as analysis and evaluation of the projects and programs they have funded.

IV. THE OPIOID SETTLEMENT FUND

A. Establishment of the Opioid Settlement Fund.

- 1. Each year the Lead State Agency will allocate approximately 32.96% of the Opioid Settlement Fund (16.39% of the total Purdue Opioid Settlement Funds) for Approved Uses in the various regions, Large New York Cities and other litigating municipalities of New York State, except New York City and the Counties of Nassau and Suffolk, pursuant to a commitment to spend in each the corresponding percentages shown in Schedule C. Of this amount, at least 1.89% of the total Purdue Opioid Settlement Funds received by New York shall be set aside for Large New York Cities, and at least 0.34% of the total Purdue Opioid Settlement Funds received by New York shall be set aside for the other litigating municipalities, as listed in Schedule C. Each New York Subdivision other than New York City and the Counties of Nassau and Suffolk may apply for and receive funds from the Opioid Settlement Fund, provided however, that each such Subdivision shall, as a condition to the receipt of these funds, certify at the end of each fiscal year during which it receives such funds that all funds provided to it under this provision of the Agreement, as well as any interest earned on such funds, were spent on projects and programs that constitute Approved Uses and provided that it complies with the reporting requirements set forth in Section IV.D.
- 2. Each year the Lead State Agency will set aside approximately 67.04% of the Opioid Settlement Fund (33.33% of the total Purdue Opioid Settlement Funds) for spending by the Lead State Agency to (a) fund State projects that constitute Approved Uses, and (b) carry out the duties of the Lead State Agency and Advisory Board under this Agreement, including oversight and administration of the Opioid Settlement Fund and the Advisory Board. No more than 5% of the total Opioid Settlement Fund may be used in any fiscal year for oversight and administrative costs of the Opioid Settlement Fund and the Advisory Board.
- B. Approved Uses. The Approved Uses are set forth in Schedule D below. The Advisory Board may recommend to the Legislature adding or removing Approved Uses in response to changing substance use disorder needs in the state. The Advisory Board may not recommend that Approved Uses be removed from the list of Approved Uses without the vote of three-fourths of the present members of the Advisory Board. Funds required to be spent on "Approved Uses" must be used to increase or supplement the resources of the receiving local government or agency that are spent on Approved Uses. Such funds shall not be used to

replace or supplant the government's or agency's appropriated resources. In determining whether supplantation has occurred, the Lead State Agency shall examine the government's or agency's budget as a whole to ensure that all Purdue Opioid Settlement Funds increase the entire Approved Use budget for the government or agency.

- C. Oversight and Auditing. The Lead State Agency will engage in oversight and audits of projects and programs funded through the Opioid Settlement Fund.
- D. New York Subdivision Reporting. Each New York Subdivision that receives funds from the Opioid Settlement Fund under this Agreement will annually provide to the Lead State Agency and Advisory Board a detailed accounting of the spending of such funds as well as analysis and evaluation of the projects and programs it has funded. Such accounting shall be provided by August 1 of each year following the year in which such funds were spent. The Lead Agency may withhold future funds from any New York Subdivision that is delinquent in providing this reporting, until the required report is submitted.
- E. Lead Agency Reporting. The Lead State Agency and other relevant government commissioners, in consultation with the Advisory Board, will annually provide the Governor, Speaker of the Assembly, the Temporary President of the Senate, and other legislative leaders as provided by law, a written report, which, among other things, provides a detailed accounting of the previous year's spending of all monies in the Opioid Settlement Fund, any spending by the Direct Share Subdivisions pursuant to Section II.B.3, any spending by the Counties of Nassau or Suffolk pursuant to Sections II.B.4 and 5, any spending by the Large New York Cities pursuant to Section II.B.6, and any spending by New York City pursuant to Section II.B.7, as well as an analysis and evaluation of the projects and programs so funded. This report shall be provided on or before November 1 of each year, beginning one year after the initial deposit of monies in the Opioid Settlement Fund. At the same time, in consultation with the Advisory Board, the Lead State Agency will report annually the results of research funded by funds from this Agreement, the status of any outstanding audits, and the non-binding recommendations of the Advisory Board.

V. THE ROLE OF THE ADVISORY BOARD

The Advisory Board established pursuant N.Y. Mental Hyg. Law § 25.18(c) will constitute the Advisory Board for this agreement.

VI. RETENTION OF JURISDICTION

The Supreme Court, County of Suffolk, shall retain jurisdiction of the Parties for the purpose of this Agreement, including its interpretation and enforcement.

LETITIA JAMES Attorney General of the State of New York	
By:	Date: // 2025
Counsel for The People of the State of New York	
ADDITIONAL SIGNATORIES:	Date:
Counsel for	Date:
Counsel for	
	Date:

Joursel for		
	Date:	
Counsel for		
	Date:	2

Counsel for	8	
		Date:
Counsel for		
		Date:
Counsel for		
of december 2 € 1000 c		
		Date:
Samuel Con		
Counsel for		

Schedule A

Allegany	0.492651319%
Cattaraugus	0.885804166%
Chautauqua	1.712744591%
Erie	13.981832649%
Niagara	3.416877066%
Western Region	20.489909791%
Trodesti Italia	
Genesee	0.710630089%
	0.678797077%
Livingston Monroe	9.384433024%
	1.309944722%
Ontario	
Orleans	0.412856571%
Seneca	0.386847050%
Wayne	0.994089249%
Wyoming	0.411657124%
Yates	0.247909288%
Finger Lakes Region	14.537164194%
Broome	2.790673871%
Chemung	1.231939720%
Chenango	0.516475286%
Delaware	0.549364256%
Schuyler	0.208248729%
Steuben	1.137138754%
Tioga	0.542347836%
Tompkins	1.177586745%
	8.1537751 <u>99%</u>
Southern Tier Region	0.133//3177/0
C.	0.0025226520/
Cayuga	0.903523653%
Cortland	0.541036257%
Madison	0.810595101%
Onondaga	6.323758786%
Oswego	1.549495093%
Central NY Region	10.128408890%
Fulton	0.462070473%
Herkimer	0.658308079%
Montgomery	0.453395949%
Oneida	2.826733181%
Otsego	0.670962131%
Schoharie	0.277769778%
Mohawk Valley Region	5.349239592%
TOTAL TRAINING TOTAL	U. 17 = U / U / = / U
Clinton	0.9215122000/
Clinton	0.831513299%

Essex	0.367293246%
Franklin	0.457353060%
Hamilton	0.030269643%
Jefferson	1.273686826%
Lewis	0.251124198%
St. Lawrence	1.234262202%
North Country Region	4.445502475%
-	
Albany	2.791375201%
Columbia	0.656790382%
Greene	0.793267678%
Rensselaer	1.270734936%
Saratoga	1.679317072%
Schenectady	1.217397796%
Warren	0.612162823%
Washington	0.479903545%
Capital Region	9.500949434%
Dutchess	4.381104459%
Orange	5.187725669%
Putnam	1.184886753%
Rockland	3.081816868%
Sullivan	1.888626559%
Ulster	2.462996041%
Westchester	9.207894077%
Mid-Hudson Region	27.395050426%

Schedule B

Albany	6.69566439%
Buffalo	33.53818545%
Rochester	22.51041501%
Syracuse	15.16878370%
Yonkers	22.08695145%

Schedule C

Western Region	17.702081918%
Finger Lakes Region	12.559258389%
Southern Tier Region	7.044384186%
Central NY Region	8.750352037%
Mohawk Valley Region	4.621429690%
North Country Region	3.840653755%
Capital Region	8.208263818%
Mid-Hudson Region	23.667718977%
Albany	0.772105290%
Buffalo	3.867429560%
Rochester	2.595770859%
Syracuse	1.749176400%
Yonkers	2.546939490%
Amherst Town	0.245448607%
Amsterdam City	0.044507465%
Auburn City	0.141444557%
Cheektowaga Town	0.060164531%
Geneva City	0.058136132%
Herkimer Village	0.025864082%
Ithaca City	0.119355968%
Lackawanna City	0.034046116%
Lancaster Town	0.039745967%
Mount Vernon City	0.076705358%
Ogdensburg City	0.033771645%
Plattsburgh City	0.049991967%
Poughkeepsie City	0.222941118%
Rome City	0.116809770%
Saratoga Springs City	0.105585390%
Schenectady City	0.123453584%

Tonawanda Town	0.063690259%
Troy City	0.179747858%
Utica City	0.333025258%

Schedule D - Approved Uses

I. TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

- 1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.
- 2. Support and reimburse services that include the full American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUD/MH conditions, including but not limited to:
 - a. Medication-Assisted Treatment (MAT);
 - b. Abstinence-based treatment;
 - c. Treatment, recovery, or other services provided by states, subdivisions, community health centers; non-for-profit providers; or for-profit providers;
 - d. Treatment by providers that focus on OUD treatment as well as treatment by providers that offer OUD treatment along with treatment for other SUD/MH conditions; or
 - e. Evidence-informed residential services programs, as noted below.
- Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
- 4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based, evidence-informed or promising practices such as adequate methadone dosing and low threshold approaches to treatment.
- 5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
- 6. Treatment of mental health trauma resulting from the traumatic experiences of the opioid user (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
- Support detoxification (detox) and withdrawal management services for persons with OUD and any
 co-occurring SUD/MH conditions, including medical detox, referral to treatment, or connections to
 other services or supports.

- 8. Training for MAT for health care providers, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or undeserved areas.
- 9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
- 10. Fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
- 11. Scholarships and supports for certified addiction counselors and other mental and behavioral health providers involved in addressing OUD any co-occurring SUD/MH conditions, including but not limited to training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
- 12. Scholarships for persons to become certified addiction counselors, licensed alcohol and drug counselors, licensed clinical social workers, and licensed mental health counselors practicing in the SUD field, and scholarships for certified addiction counselors, licensed alcohol and drug counselors, licensed clinical social workers, and licensed mental health counselors practicing in the SUD field for continuing education and licensing fees.
- 13. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD and provide technical assistance and professional support for clinicians who have obtained a DATA 2000 waiver.
- 14. Dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.
- 15. Development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in treatment for and recovery from OUD and any co-occurring SUD/MH conditions through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

- 1. Provide the full continuum of care of recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, residential treatment, medical detox services, peer support services and counseling, community navigators, case management, transportation, and connections to community-based services.
- 2. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.

- Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, or training for housing providers.
- 4. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
- 5. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
- 6. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
- 7. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.
- 8. Identifying successful recovery programs such as physician, pilot, and college recovery programs, and providing support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
- 9. Engaging non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to manage the opioid user in the family.
- 10. Training and development of procedures for government staff to appropriately interact and provide social and other services to current and recovering opioid users, including reducing stigma.
- 11. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
- 12. Create or support culturally-appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
- 13. Create and/or support recovery high schools.

C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED (CONNECTIONS TO CARE)

Provide connections to care for people who have – or at risk of developing – OUD and any cooccurring SUD/MH conditions through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.

- 2. Fund Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders.
- 3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is most common.
- 4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
- 5. Training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
- Support hospital programs that transition persons with OUD and any co-occurring SUD/MH
 conditions, or persons who have experienced an opioid overdose, into community treatment or
 recovery services through a bridge clinic or similar approach.
- Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
- Support the work of Emergency Medical Systems, including peer support specialists, to connect
 individuals to treatment or other appropriate services following an opioid overdose or other opioidrelated adverse event.
- 9. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
- 10. Provide funding for peer navigators, recovery coaches, care coordinators, or care managers that offer assistance to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced on opioid overdose.
- 11. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and supporting prevention, intervention, treatment, and recovery programs focused on young people.
- 12. Develop and support best practices on addressing OUD in the workplace.
- 13. Support assistance programs for health care providers with OUD.
- 14. Engage non-profits and faith community as a system to support outreach for treatment.
- 15. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

- 16. Create or support intake and call centers to facilitate education and access to treatment, prevention, and recovery services for persons with OUD and any co-occurring SUD/MH conditions.
- 17. Develop or support a National Treatment Availability Clearinghouse a multistate/nationally accessible database whereby health care providers can list locations for currently available in-patient and out-patient OUD treatment services that are accessible on a real-time basis by persons who seek treatment.

D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved – or are at risk of becoming involved – in the criminal justice system through evidence-based, evidence-informed or promising programs or strategies that may include, but are not limited to, the following:

- 1. Support pre-arrest and pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
- a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);
- b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;
- c. "Naloxone Plus" strategies, which work to ensure that individuals who have received Naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
- d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model; or
- e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
- f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise and to reduce perceived barriers associated with law enforcement 911 responses.
- 2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
- 3. Support treatment and recovery courts for persons with OUD and any co-occurring SUD/MH conditions, but only if they provide referrals to evidence-informed treatment, including MAT.
- 4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in iail or prison.
- 5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison, who have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.

- 6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
- 7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

E. <u>ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR</u> <u>FAMILIES. INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME</u>

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

- 1. Support evidence-based, evidence-informed, or promising treatment, including MAT, recovery services and supports, and prevention services for pregnant women or women who could become pregnant who have OUD and any co-occurring SUD/MH conditions, and other measures educate and provide support to families affected by Neonatal Abstinence Syndrome.
- 2. Training for obstetricians and other healthcare personnel that work with pregnant women and their families regarding OUD treatment and any co-occurring SUD/MH conditions.
- 3. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.
- 4. Child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
- 5. Enhanced family supports and child care services for parents with OUD and any cooccurring SUD/MH conditions.
- 6. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
- 7. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including but not limited to parent skills training.
- 8. Support for Children's Services Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

II. PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

- 1. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
- 2. Academic counter-detailing to educate prescribers on appropriate opioids prescribing.
- 3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
- 4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
- 5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:
- a. Increase the number of prescribers using PDMPs;
- b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or
- c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD.
- 6. Development and implementation of a national PDMP Fund development of a multistate/national PDMP that permits information sharing while providing appropriate safeguards on sharing of private health information, including but not limited to:
- a. Integration of PDMP data with electronic health records, overdose episodes, and decision support tools for health care providers relating to OUD.
- b. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database.
- 7. Increase electronic prescribing to prevent diversion or forgery.
- 8. Educating Dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

- 1. Corrective advertising or affirmative public education campaigns based on evidence.
- 2. Public education relating to drug disposal.
- 3. Drug take-back disposal or destruction programs.
- 4. Fund community anti-drug coalitions that engage in drug prevention efforts.
- 5. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).
- 6. Engaging non-profits and faith community as a system to support prevention.
- 7. Support evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
- 8. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
- 9. Support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
- 10. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
- 11. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or other drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

- Increasing availability and distribution of naloxone and other drugs that treat overdoses to first
 responders, overdose patients, opioid users, families and friends of opioid users, schools, community
 navigators and outreach workers, drug offenders upon release from jail/prison, and other members of the
 general public.
- 2. Public health entities provide free naloxone to anyone in the community, including but not limited to provision of intra-nasal naloxone in settings where other options are not available or allowed.
- 3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, and other members of the general public.
- 4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
- 5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.
- 6. Public education relating to emergency responses to overdoses.
- 7. Public education relating to immunity and Good Samaritan laws.
- 8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.
- 9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
- 10. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
- 11. Support mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
- 12. Provide training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
- 13. Support screening for fentanyl in routine clinical toxicology testing.

III. OTHER STRATEGIES

I. <u>FIRST RESPONDERS</u>

In addition to items C8, D1 through D7, H1, H3, and H8, support the following:

- 1. Law enforcement expenditures related to the opioid epidemic
- 2. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
- 3. Provisions of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, and coordination to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

- Community regional planning to identify goals for reducing harms related to the opioid epidemic, to
 identify areas and populations with the greatest needs for treatment intervention services, or to support
 other strategies to abate the opioid epidemic described in this opioid abatement strategy list including,
 but not limited to costs associated with local opioid task forces, community buprenorphine waiver
 trainings, and coordination and operation of community-based treatment prevention programing.
- 2. A government dashboard to track key opioid-related indicators and supports as identified through collaborative community processes.
- 3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
- 4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to in items above A7, A8, A9, A12, A13, A14, A15, B7, B10, C3, C5, E2, E4, F1, F3, F8, G5, H3, H12, and I2, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

- 1. Provide funding for staff training or network programs and services regarding the capability of government, community, and not-for-profit entities to abate the opioid crisis.
- 2. Support infrastructure and staffing for collaborative cross-systems coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

- 1. Monitoring, surveillance, and evaluation of programs and strategies described in this opioid abatement strategy list.
- 2. Research non-opioid treatment of chronic pain.
- 3. Research improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.
- 4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
- 5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
- 6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).
- 7. Research on expanded modalities such as prescription methadone that can expand access to MAT.
- 8. Epidemiological surveillance of OUD-related behaviors in critical populations including individuals entering the criminal justice system, including but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (ADAM) system.
- Qualitative and quantitative research regarding public health risks and harm reduction opportunities
 within illicit drug markets, including surveys of market participants who sell or distribute illicit
 opioids.
- 10. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

M. POST-MORTEM

- 1. Toxicology tests for the range of synthetic opioids presently seen in overdose deaths as well as newly evolving synthetic opioids infiltrating the drug supply.
- Toxicology method development and method validation for the range of synthetic opioids observed now and in the future, including the cost of installation, maintenance, repairs and training of capital equipment.
- 3. Autopsies in cases of overdose deaths resulting from opioids and synthetic opioids.

- 4. Additional storage space/facilities for bodies directly related to opioid or synthetic opioid related deaths.
- 5. Comprehensive death investigations for individuals where a death is caused by or suspected to have been caused by an opioid or synthetic opioid overdose, whether intentional or accidental.
- 6. Indigent burial for unclaimed remains resulting from overdose deaths.
- 7. Navigation-to-care services for individuals with opioid use disorder who are encountered by the medical examiner's office as either family and/or social network members of decedents dying of opioid overdose.
- 8. Epidemiologic data management and reporting to public health and public safety stakeholders regarding opioid overdose fatalities.

Schedule E

Payment	Amount (\$)
1 (Emergence)	\$4,869,965.11
2	\$2,334,284.81
3	\$2,795,750.08

EXHIBIT

B

EXHIBIT K

Subdivision Participation and Release Form

Governmental Entity:	State:
Authorized Official:	
Address 1:	51.59(2)
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to that certain Governmental Entity & Shareholder Direct Settlement Agreement accompanying this participation form (the "Agreement"), and acting through the undersigned authorized official, hereby elects to participate in the Agreement, grant the releases set forth below, and agrees as follows.

- 1. The Governmental Entity is aware of and has reviewed the Agreement, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Agreement and become a Participating Subdivision as provided therein.
- 2. The Governmental Entity shall promptly after the Effective Date, and prior to the filing of the Consent Judgment, dismiss with prejudice any Shareholder Released Claims and Released Claims that it has filed. With respect to any Shareholder Released Claims and Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at https://nationalopioidsettlement.com.
- 3. The Governmental Entity agrees to the terms of the Agreement pertaining to Participating Subdivisions as defined therein.
- 4. By agreeing to the terms of the Agreement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning following the Effective Date.
- 5. The Governmental Entity agrees to use any monies it receives through the Agreement solely for the purposes provided therein.
- 6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as and to the extent provided in, and for resolving disputes to the extent provided in, the

¹ Capitalized terms used in this Exhibit K but not otherwise defined in this Exhibit K have the meanings given to them in the Agreement or, if not defined in the Agreement, the Master Settlement Agreement.

Agreement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Agreement.

- 7. The Governmental Entity has the right to enforce the Agreement as provided therein.
- 8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Agreement, including without limitation all provisions of Article 10 (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in his or her official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Subdivision Releasor, to the maximum extent of its authority, for good and valuable consideration, the adequacy of which is hereby confirmed, the Shareholder Released Parties and Released Parties are, as of the Effective Date, hereby released and forever discharged by the Governmental Entity and its Subdivision Releasors from: any and all Causes of Action, including, without limitation, any Estate Cause of Action and any claims that the Governmental Entity or its Subdivision Releasors would have presently or in the future been legally entitled to assert in its own right (whether individually or collectively), notwithstanding section 1542 of the California Civil Code or any law of any jurisdiction that is similar, comparable or equivalent thereto (which shall conclusively be deemed waived), whether existing or hereinafter arising, in each case, (A) directly or indirectly based on, arising out of, or in any way relating to or concerning, in whole or in part, (i) the Debtors, as such Entities existed prior to or after the Petition Date, and their Affiliates, (ii) the Estates, (iii) the Chapter 11 Cases, or (iv) Covered Conduct and (B) as to which any conduct, omission or liability of any Debtor or any Estate is the legal cause or is otherwise a legally relevant factor (each such release, as it pertains to the Shareholder Released Parties, the "Shareholder Released Claims", and as it pertains to the Released Parties other than the Shareholder Released Parties, the "Released Claims"). For the avoidance of doubt and without limiting the foregoing: the Shareholder Released Claims and Released Claims include any Cause of Action that has been or may be asserted against any Shareholder Released Party or Released Party by the Governmental Entity or its Subdivision Releasors (whether or not such party has brought such action or proceeding) in any federal, state, or local action or proceeding (whether judicial, arbitral, or administrative) (A) directly or indirectly based on, arising out of, or in any way relating to or concerning, in whole or in part, (i) the Debtors, as such Entities existed prior to or after the Petition Date, and their Affiliates, (ii) the Estates, (iii) the Chapter 11 Cases, or (iv) Covered Conduct and (B) as to which any conduct, omission or liability of any Debtor or any Estate is the legal cause or is otherwise a legally relevant factor.
- 9. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Shareholder Released Claims or Released Claims against any Shareholder Released Party or Released Party in any forum whatsoever, subject in all respects to Section 9.02 of the Master Settlement Agreement. The releases provided for herein (including the term "Shareholder Released

Claims" and "Released Claims") are intended by the Governmental Entity and its Subdivision Releasers to be broad and shall be interpreted so as to give the Shareholder Released Parties and Released Parties the broadest possible release of any liability relating in any way to Shareholder Released Claims and Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Agreement shall be a complete bar to any Shareholder Released Claim and Released Claims.

- 10. To the maximum extent of the Governmental Entity's power, the Shareholder Released Parties and the Released Parties are, as of the Effective Date, hereby released and discharged from any and all Shareholder Released Claims and Released Claims of the Subdivision Releasors.
- 11. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Agreement.
- 12. In connection with the releases provided for in the Agreement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Shareholder Released Claims or such other Claims released pursuant to this release, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Shareholder Released Claims or such other Claims released pursuant to this release that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Agreement.

- 13. Nothing herein is intended to modify in any way the terms of the Agreement, to which Governmental Entity hereby agrees. To the extent any portion of this Participation and Release Form not relating to the release of, or bar against, liability is interpreted differently from the Agreement in any respect, the Agreement controls.
- 14. Notwithstanding anything to the contrary herein or in the Agreement, (x) nothing herein shall (A) release any Excluded Claims or (B) be construed to impair in any way the rights and obligations of any Person under the Agreement; and (y) the Releases set forth herein shall be subject to being deemed void to the extent set forth in Section 9.02 of the Master Settlement Agreement.

I have all necessary power an on behalf of the Governmental Entity		n to execute this Participation and Release Fo	rm
	Signature:	<u> </u>	
	Name:		
	Title:		
	Date:		

WESTCHESTER COUNTY

BOARD OF LEGISLATORS

Vedat Gashi

Chairman of the Board Legislator, 4th District



TO:

Hon. Jewel Williams Johnson

Chair, Budget & Appropriations

Hon. Colin Smith

Chair, Law & Major Contracts

FROM:

Hon. Vedat Gashi

Chairman of the Board

Velat Oalin

DATE:

September 18, 2025

RE:

ACT – OPIOID LAWSUIT SETTLEMENT

As Chairman of the Board of Legislators, I am placing the below items directly into the Committees on Budget & Appropriations and Law & Major Contracts.

Thank you.

(ID: 2025-405) ACT – Opioid Settlement - Additional Manufacturers

AN ACT authorizing the County of Westchester to settle the claims against additional manufacturers Alvogen, Inc.; Amneal Pharmaceuticals, Inc.; Apotex Inc.; Hikma Pharmaceuticals USA Inc.; Indivior Inc.; Mylan Pharmaceuticals Inc.; Sun Pharmaceutical Industries, Inc.; and Zydus Pharmaceuticals (USA), Inc. in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled The County of Westchester v. Purdue Pharma, et al., arising out of the alleged abuse and misuse of opioids.

(ID: 2025-406) ACT - Opioid Settlement, Purdue/Sackler

AN ACT authorizing the County of Westchester to settle the claims against Purdue Pharma LP ("Purdue") as set forth in the Purdue/Sackler bankruptcy settlement plan (the "Plan") in an adversary proceeding filed in the Supreme Court of the State of NY, Westchester County, titled The County of Westchester v. Purdue Pharma, et al. arising out of the alleged abuse and misuse of opioids.

CC:

Jill Axelrod

Marcello Figueroa James Silverberg Dylan Tragni Sunday Vanderberg

Tel: (914) 995-2848 • Fax: (914) 995-3884 • E-mail: Gashi@westchesterlegislators.com



Kenneth W. Jenkins County Executive

August 1, 2025

Westchester County Board of Legislators 800 Michaelian Office Building White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your consideration is an act (the "Act") which, if approved, would authorize the County of Westchester (the "County") to purchase two (2) parcels of real property located at 230 and 224 White Plains Road in Tuckahoe, New York. The properties, identified by tax map designation as Section 31, Block 3, Lot 13, and Section 31, Block 3, Lot C, respectively, consist of a two family dwelling, commonly known as the "Ward House", and a vacant residentially-zoned lot, adjacent to the dwelling. The Ward House, which dates back to the Revolutionary War, and the adjacent lot, will both be purchased as parkland.

I am also transmitting a proposed bond act (the "Bond Act") to authorize the issuance of up to \$2,550,000.00 in County bonds under capital project BLA1A – Parkland and Historical Preservation Program. The Bond Act will finance the \$980,000.00 purchase price of the two properties and associated costs, including closing costs and an environmental site assessment. Bond proceeds will also be used for design and construction costs associated with the renovation of the Ward House building and property, including site work and landscaping.

In compliance with Section 191.41 of the Laws of Westchester County ("LWC"), the required report of the Planning Commissioner in support of this property acquisition is attached herewith. In addition, pursuant to LWC Section 167.131, on June 3, 2025, the Westchester County Planning Board issued its report on the 2025 Capital Requests to designate this property for parkland acquisition and use \$2,550,000.00 from funds appropriated from capital project BLA1A Parkland and Historical Preservation Program, for the property purchases and related expenses described above. Accordingly, the necessary Planning Board report is herewith attached.

Based on the importance of this project to the County, favorable action on the proposed Act and Bond Act is respectfully requested.

Kenneth W. Jenkins

Westchester County Executive

KWJ/BL/jpg

Michaelian Office Building 148 Martine Avenue White Plains, New York 10601

Telephone: (914) 995-2900

HONORABLE BOARD OF LEGISLATORS THE COUNTY OF WESTCHESTER, NEW YORK

Your Committee is in receipt of a communication from the County Executive wherein he requests that your Honorable Board adopt the attached act (the "Act") that would authorize the County of Westchester to purchase two (2) parcels of real property located at 230 and 224 White Plains Road in Tuckahoe, New York. The properties, identified by tax map designation as Section 31, Block 3, Lot 13, and Section 31, Block 3, Lot C, consist of a two family dwelling, commonly known as the "Ward House", and a vacant residentially-zoned lot, adjacent to the dwelling. The Ward House, which dates back to the Revolutionary War, and the adjacent lot, will both be purchased as parkland.

The County Executive also requests the adoption of a bond act (the "Bond Act"), prepared by the law firm of Hawkins Delafield and Wood, LLP, that would authorize the issuance of up to \$2,550,000.00 in County bonds under capital project BLA1A – Parkland and Historical Preservation Program. The Bond Act will finance the \$980,000.00 purchase price of the two properties and associated costs, including closing costs and an environmental site assessment. Bond proceeds will also be used for design and construction costs associated with the renovation of the Ward House building and property, including site work and landscaping.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR Status Sheet and concurs with this recommendation.

In compliance with Section 191.41 of the Laws of Westchester County ("LWC"), the required report of the Planning Commissioner in support of this land acquisition is attached herewith. In addition, pursuant to LWC Section 167.131, on June 3, 2025, the Westchester County Planning Board issued its report on the 2025 Capital Requests to designate these properties for parkland acquisition and use \$2,550,000.00 from funds appropriated from capital project BLA1A Parkland and Historical Preservation Program for the land purchases and related expenses described above. Accordingly, the necessary Planning Board report is herewith attached.

Your Committee is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to adopt the Act to authorize the purchase of the properties, as well as to adopt the related Bond Act.

Your Committee has carefully considered the proposed Act and the related Bond Act, and recommends approval of both Acts.

Dated:

,2025

White Plains, New York

COMMITTEE ON

c/jpg 07-10-25

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #	#:BLA1A	NO FISCAL IMPACT PROJECTED				
	SECTION A - CAPITAL BUT					
190	To Be Completed by	виадет				
X GENERAL FUNI	D AIRPORT FUND	SPECIAL DISTRICTS FUND				
	Source of County Funds (check one):	X Current Appropriations				
		Capital Budget Amendment				
WARD HOUSE 230	WPR					
	SECTION B - BONDING AUT	THORIZATIONS				
	To Be Completed by	Finance				
Total Principal	\$ 680,000 PPU	15 Anticipated Interest Rate 3.59%				
Anticipated An	nnual Cost (Principal and Interest):	\$ 59,696				
Total Debt Ser	vice (Annual Cost x Term):	\$ 895,440				
Finance Depar	tment: Interest rates from Bond Buye	er 8/1/2025 - ASBA				
SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)						
	To Be Completed by Submitting Departme	ent and Reviewed by Budget				
Potential Relat	Potential Related Expenses (Annual): \$					
Potential Relat	ted Revenues (Annual): \$	-				
Anticipated sa	vings to County and/or impact of departr	ment operations				
(describe in de	etail for current and next four years):					
	SECTION D - EMPLO	YMENT				
As	s per federal guidelines, each \$92,000 of a					
Number of Full	l Time Equivalent (FTE) Jobs Funded:					
realiber of rail	Time Equivalent (1 12) 3003 Failuea.					
Prepared by:	Susan Darling	4. 1 -0 -				
Title:	Chief Planner	Reviewed By: Wirthur layaly				
Department:	Planning	NV6.以・ソン Budget Director				
Date:	8/1/25	Date: 8 4 25				

FISCAL IMPACT STATEMENT

CAPITAL PROJECT	#:BLA1A	NO FISCAL IMPACT PROJECTED			
	SECTION A - CAPITAL BUD	200 M			
	To Be Completed by	Budget			
X GENERAL FUN	ID AIRPORT FUND	SPECIAL DISTRICTS FUND			
	Source of County Funds (check one):	X Current Appropriations			
		Capital Budget Amendment			
WARD HOUSE 224	WPR				
	SECTION B - BONDING AUT				
	To Be Completed by F	finance			
Total Principa	si \$ 610,000 PPU	30 Anticipated Interest Rate 4.61%			
Anticipated A	nnual Cost (Principal and Interest):	\$ 38,233			
Total Debt Sei	rvice (Annual Cost x Term):	\$ 1,146,990			
Finance Depar	rtment: Interest rantes from Bond Buy	/er - 8/1/2025 - ASBA			
	SECTION C - IMPACT ON OPERATING BUDG				
	To Be Completed by Submitting Departme	nt and Reviewed by Budget			
Potential Rela	ated Expenses (Annual): \$	F			
Potential Related Revenues (Annual): \$					
Anticipated sa	avings to County and/or impact of departn	nent operations			
₹1	etail for current and next four years):				
N-51	50 00 00 00				
-	- 11 - 11	· · · · · · · · · · · · · · · · · · ·			
	SECTION D - EMPLO	YMENT			
A	s per federal guidelines, each \$92,000 of a				
Number of Fu	ll Time Equivalent (FTE) Jobs Funded:				
Prepared by:	Susan Darling				
Title:	Chief Planner	Reviewed By: Compte			
Department:	Planning	OV8,4-8 Budget Director			
Date:	8/1/25	Date: 8 4 25			

FISCAL IMPACT STATEMENT

CAPITAL PROJECT	#:BLA1A	NO FISCAL IMPACT PROJECTED			
	SECTION A - CAPITAL BUIL				
	To Be Completed by	Budget			
X GENERAL FUN	AIRPORT FUND	SPECIAL DISTRICTS FUND			
	Source of County Funds (check one):	X Current Appropriations			
		Capital Budget Amendment			
WARD HOUSE IMP	ROVEMENTS				
	SECTION B - BONDING AUT				
	To Be Completed by I	Finance			
Total Principa	1,260,000 PPU	10 Anticipated Interest Rate 3.10%			
Anticipated A	nnual Cost (Principal and Interest):	\$ 148,741			
Total Debt Sei	rvice (Annual Cost x Term):	\$ 1,487,410			
Finance Depar	rtment: Interest rates from Bond Buye	er 8/1/2025 - ASBA			
	SECTION C - IMPACT ON OPERATING BUDG	NO SECURE AND ADMINISTRATION OF SECURE AND ADMINISTRATION OF PROCESSION AND ADMINISTRATION OF THE PROCESSION AND ADMINISTRATION ADMINISTRATION AND ADMINISTRATION ADMINISTRATION AND ADMINISTRATION AND ADMINISTRATION AND ADMINISTRATION AND ADMINISTRATION AND ADMINI			
	To Be Completed by Submitting Departme	ent and Reviewed by Budget			
Potential Rela	ated Expenses (Annual): \$	-			
Potential Rela	ited Revenues (Annual): \$	*			
Anticipated sa	avings to County and/or impact of departm	nent operations			
1000	etail for current and next four years):				
v.*	STATE COMMENTER OF THE PROPERTY OF THE PROPERT				
	SECTION D - EMPLO	VAACAIT			
A	s per federal guidelines, each \$92,000 of a				
Number of Fu	ll Time Equivalent (FTE) Jobs Funded:	14			
Prepared by:	Susan Darling	A			
Title:	Chief Planner	Reviewed By: White Cary			
Department:	Planning	Budget Director			
Date:	8/1/25	Date: 814 25			



TO:

Michelle Greenbaum, Senior Assistant County Attorney

Jeffrey Goldman, Senior Assistant County Attorney Carla Chaves, Senior Assistant County Attorney Maximilian Zorn, Assistant County Attorney

FROM:

David S. Kvinge, AICP, RLA, CFM

Assistant Commissioner

DATE:

June 17, 2025

SUBJECT:

STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:

BLA1A PARKLAND AND HISTORICAL PRESERVATION PROGRAM

(Ward House, Tuckahoe)

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on

06-09-2025 (Unique ID: 2944)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a TYPE II action pursuant to section(s):

- 617.5(c)(2): replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
- 617.5(c)(8): maintenance of existing landscaping or natural growth;
- 617.5(c)(39): an agency's acquisition and dedication of 25 acres or less of land for parkland, or dedication of land for parkland that was previously acquired, or acquisition of a conservation easement.

COMMENTS: None.

DSK/cnm

cc: Andrew Ferris, Chief of Staff

Paula Friedman, Assistant to the County Executive

Lawrence Soule, Budget Director

Tami Altschiller, Assistant Chief Deputy County Attorney

Blanca P. Lopez, Commissioner of Planning

Dianne Vanadia, Associate Budget Director

Susan Darling, Chief Planner

Michael Lipkin, Associate Planner

Claudia Maxwell, Principal Environmental Planner



Kenneth W. Jenkins, Co Blanca P. Lopez, Comm Department of Planning

Memorandum **Department of Planning**

TO: Honorable Ken Jenkins

County Executive

FROM: Blanca P. Lopez, M.S.

Commissioner

DATE: July 3, 2025

SUBJECT: Acquisition of the Ward House and adjacent parcel, 230 and 224 White

Plains Road, Tuckahoe, NY.

Pursuant to Section 191.41 of the Laws of Westchester County ("LCWC"), this is the required report of the Commissioner of Planning on the proposed acquisition of the Ward House located at 230 White Plains Road and the adjacent vacant parcel located at 224 White Plains Road in the Village of Tuckahoe, New York. Currently, both properties are privately owned and identified as Section: 31, Block 3, Lot 13, and Section 31, Block 3, Lot C, respectively, on the tax maps of the Village of Tuckahoe. The Ward House has an area of 0.27 acres, and the vacant lot has an area of .15 acres.

The County will acquire these properties to designate them as parkland in order to protect and preserve their historic significance in Westchester County. The Ward House is a historic Revolutionary War-era house which once it is renovated by the County, will provide educational opportunities to offer a deeper understanding of our local and national history associated with this era.

The County Planning Board, pursuant to Section 167.131 of the County Charter, at their regular monthly meeting of June 3, 2025, amended its report on the 2025 Capital Budget, to designate this property for parkland acquisition and use \$2,550,000 from already appropriated funds from capital project BLA1A Parkland and Historical Preservation Program for the acquisition and renovation of the Ward House building and adjacent property.

Based on this record, I have no objection to the acquisition of these two properties known on the tax roll as 230 and 224 White Plains Road in the Village of Tuckahoe.

cc: John Nonna, County Attorney

Tami Altschiller, Deputy County Attorney Christopher Steers, Director of Real Estate Peter Tartaglia, First Deputy Commissioner

Susan Darling, Chief Planner Michael Lipkin, Associate Planner

BLA1A Parkland and Historical Preservation Program

Ward House Purchase and Improvements

FIVE YEAR CAPITAL PROGRAM (in thousands)

Estimated		
Ultimate	Approp-	
Total Cost	riated	20:

	Total Cost	riated	2025	2026	2027	2028	2029	Review
Gross Less non-County	42,777	37,727						5,000
Shares Net	42,777	37,727						5,000

Project Description

This project continues Capital Project BLA01 Parkland Acquisition/Westchester Legacy Program. The Legacy Program is designed to aggressively pursue land acquisition for three major objectives:

- 1. Purchase parkland for active recreation such as baseball and soccer fields, trails and bike paths.
- 2. Preserve green space, protect natural habitats and protect rivers, streams, and lakes.
- 3. Preserve land for historic preservation and protection of our cultural landscape.

BLA1A Parkland and Historical Preservation Program is a general fund capital program which require a capital budget amendment when specific project site locations are identified.

The Ward House Purchase and Improvements project will utilize previously appropriated funds in **BLA1A**Parkland and Historical Preservation Program for the acquisition of the Ward House located at 230

White Plains Road (Section 31, Block 3, Lot 13) and the adjacent vacant parcel located at 224 White

Plains Road (Section 31, Block 3, Lot C) in the Village of Tuckahoe, New York. Funding will go toward

purchase of the building and parcels and associated costs including environmental site assessments. In

addition, funding will go toward the design and construction of the renovation of the Ward House building

including site work and landscaping. The house and property will be designated as parkland.

Appropriations/Requests

2020:	Funding for acquisition of properties for parkland and historic preservation (\$1,000,000)
2021:	Creation of a new park in Ludlow Park, Yonkers (\$10,000,000); 4th Street Playground, Mt. Vernon (\$2,000,000); RiverWalk Improvements, Yonkers (\$5,000,000)
2022:	Funding for environmental reviews for the design and construction of RiverWalk trail connections in Tarrytown (\$1,300,000)
2023:	Funding for a True Linear RiverWalk Park in Yonkers (\$5,000,000) and Flint Park Turf Field, Larchmont (\$1,000,000), Habirshaw County Park (2020 appropriations)
2024:	\$1,000,000 for Improvements to RiverWalk in Tarrytown. BOL add of \$2,000,000 for Silliman Park in Ardsley, BOL add of \$427,000 for Rye Town Interior Bathhouse, \$500,000 was added for general purposes and cost inflation
2025:	\$2,000,000 for the construction and CM of the Habirshaw County Park; \$3,000,000 for the construction and CM of improvements to RiverWalk in the Village of Tarrytown; \$100,000 for the acquisition of 311 Welcher Avenue, City of Peekskill from previously appropriated funds; BOL add of \$3,000,000 for Mount Vernon 4th Street Park Legacy Project; BOL add of \$2,550,000 for Ward House Purchase and Restoration, Village of

Under Review: \$5,000,000 additional funding for parkland preservation

Tuckahoe

Hadas

Justification

The Westchester County park and open space system has contributed greatly to the quality of life in the County. Municipal officials and residents throughout Westchester have indicated that open space preservation remains a top priority. The acquisition and protection of lands for environmental protection helps to build on this legacy. The County has played an important role in expanding opportunities for active recreation; traditionally it was municipalities and school districts that developed athletic fields.

The 1999 Open Space Policies were adopted by both the Planning and Parks Boards. These policies have goals for a continued County park and open space acquisition program that includes:

- 1. Provision of opportunities for active and passive recreation, with emphasis on locations close to concentrations of the County's population;
- 2. Establishment of a series of open space linkages to provide a connected system of parklands;
- 3. Preservation of significant amounts of the Hudson River waterfront;
- 4. Protection of environmentally significant properties; and
- 5. Preservation of properties considered to be of historic significance.

Consistency with Programs or Plans

The project is consistent with the policies of *Westchester 2025*, the County's long-range land use policies, and the 1999 Open Space Polices in that it supports open space preservation, provides opportunities for active and passive recreation, promotes open space linkages, preserves environmentally significant properties and helps preserve properties considered to be of historic significance.

Planning Board Analysis

PL2: The Planning Board supports this project to improve parkland and recreational opportunities in the densely populated Village of Port Chester. The Planning Board supports projects with the goal to keep park facilities in a well-maintained state. Performing physical improvements on a priority basis reflects a comprehensive approach to undertaking capital improvements.

As per Westchester County policy, stormwater management must be addressed with every capital project. Designs should comply with the NYS Stormwater Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control.

REFERENCE: BLA1A

ACT NO. -20

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,550,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF ACQUISITION OF THE WARD HOUSE LOCATED AT 230 WHITE PLAINS ROAD AND THE ADJACENT PROPERTY LOCATED AT 224 WHITE PLAINS ROAD, IN THE VILLAGE OF TUCKAHOE, FOR HISTORIC PRESERVATION AND THE ESTABLISHMENT OF PARKLAND UNDER THE WESTCHESTER LEGACY PROGRAM, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,550,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,550,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted , 20____)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and the provisions of other laws applicable thereto, \$2,550,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance acquisition of the Ward House located at 230 White Plains Road (Section 31, Block 3, Lot 13) at the estimated maximum cost of \$680,000; acquisition of the adjacent vacant parcel located at 224 White Plains Road (Section

31, Block 3, Lot C), including related closing costs and site assessment, at the estimated maximum cost of \$610,000; and construction of improvements to the Ward House building and site, including design and related administration, at the estimated maximum cost of \$1,260,000; all for the purpose of historic preservation and the establishment of parkland under the Westchester Legacy Program, as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$2,550,000. The plan of financing includes the issuance of \$2,550,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness applicable to \$680,000 of said bonds, within the limitations of Section 11.00 a. 11(c) of the Law, is fifteen (15) years; the period of probable usefulness applicable to \$610,000 of said bonds, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years; and the period of probable usefulness applicable to \$1,260,000 of said bonds, within the limitations of Section 11.00 a. 12(a)(3) of the Law, is ten (10) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the

proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$2,550,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$2,550,000 as the estimated maximum cost of the aforesaid specific object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the

renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
 - (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

STATE OF NEW YORK)	
	:	ss.:
COUNTY OF NEW YORK)	
with the original on file in my of the whole of the said original Ac	fice, and to t, which v	I have compared the foregoing Act No20
IN WITNESS WI	HEREOF,	I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this day of , 20
(SEAL)		The Clerk and Chief Administrative Office of the County Board of Legislators County of Westchester, New York

LEGAL NOTICE

A Bond Act, a summary of v	which is published herewith, has been adopted by the Board of
	20 and approved by the County Executive on alidity of the obligations authorized by such Bond Act may be
	gations were authorized for an object or purpose for which the
	e of New York, is not authorized to expend money or if the
The second secon	been complied with as of the date of publication of this Notice
	h, and an action, suit or proceeding contesting such validity is
	ter the publication of this Notice, or such obligations were
authorized in violation of the provision	
Complete copies of the Ro	and Act summarized herewith shall be available for public
	ours at the Office of the Clerk of the Board of Legislators of the
	for a period of twenty days from the date of publication of this
Notice.	
ACT NO20	
BOND ACT AUTHORIZING THE	ISSUANCE OF \$2,550,000 BONDS OF THE COUNTY OF
WESTCHESTER, OR SO MUCH 7	THEREOF AS MAY BE NECESSARY, TO FINANCE THE
COST OF ACQUISITION OF THE	WARD HOUSE LOCATED AT 230 WHITE PLAINS ROAD
	TY LOCATED AT 224 WHITE PLAINS ROAD, IN THE
	HISTORIC PRESERVATION AND THE ESTABLISHMENT
	WESTCHESTER LEGACY PROGRAM, STATING THE
	THEREOF IS \$2,550,000; STATING THE PLAN OF
	JDES THE ISSUANCE OF \$2,550,000 BONDS HEREIN
INTEREST ON SAID BONDS (Ado	G FOR A TAX TO PAY THE PRINCIPAL OF AND
	uisition of The Ward House located at 230 White Plains Road
A STATE OF THE PARTY OF THE PAR	clock 3, Lot 13) at the estimated maximum cost of \$680,000;
	the adjacent vacant parcel located at 224 White Plains Road Block 3, Lot C), including related closing costs and site
	the estimated maximum cost of \$610,000; and construction of
	to the Ward house building and site, including design and
	stration, at the estimated maximum cost of \$1,260,000; all for
	historic preservation and the establishment of parkland under
the Westcheste	er Legacy Program, as set forth in the County's Current Year
Capital Budget	, as amended
Amount of obligations to be issued	
and period of probable usefulness:	\$680,000 - fifteen (15) years
	\$610,000 – thirty (30) years
	\$1,260,000 – ten (10) years

Dated:	White Plains, New York	
		Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:*	⊠ Cl	BA		F	act Sheet	Date:*			
BLA1A					5-28-202	5			
Fact Sheet Year:*	Proj	ect Title:*		1	Legislative District ID:				
2025	17/7/77/7	KLAND AND HIST SERVATION PROC		. 1	10				
Category*	Depa	ırtment:*		(CP Unique ID:				
BUILDINGS, LAND & MISCELLANEOUS	PLA	NNING		2	2944				
Overall Project Description									
The Legacy Program is designed a purchase parkland for active recrefield initiative is to partner with m funding. The development of Rive Program. A second major objective objective is to preserve land for his Project BLA01 Parkland Acquisit Capital Budget Amendment.	eation such as be nunicipalities of erWalk, the pro- ve is to protect of estoric preserva	aseball and soccer find the acquisition and posed promenade all our County's natural tion and protection of the second second protection of the second secon	ields, trail lor develo ong the H habitats a of our cult	ways and opment of udson Riv and protect ural herita	bike path ball fields er, is a ke t rivers, st ge. This p	s. A key c s to maxim ey compon reams and project con	omponent nize availa ent of the lakes. Th ntinues Ca	of the ball ble Legacy e third pital	
■ Best Management Practices	☐ En	ergy Efficiencies		×] Infrastru	cture			
☐ Life Safety	□ Pro	oject Labor Agreeme	ent] Revenue	:			
☐ Security	□ Ot	her							
FIVE-YEAR CAPITAL PROG	RAM (in thou	sands)				-		<u> </u>	
	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review	
Gross	42,777	27,227	10,550	0	0	0	0	5,000	
Less Non-County Shares	0	0	0	0	0	0	0	0	
Net	42,777	27,227	10,550	0	0	0	0	5,000	
Expended/Obligated Amount (in	n thousands) a	s of: 2,413							
Current Bond Description: Thi Road (Section 31, Block 3, Lot 13 in the Village of Tuckahoe, New Vincluding environmental site assess Ward House building and property) and the adjac York. Funding ssments. In add	ent vacant parcel loo will go toward purch ition, funding will g	cated at 22 hase of the o toward t	4 White F building he design	lains Roa and parce and const	d (Section ls and asso ruction of	31, Block ociated co the renov	k 3, Lot C) sts ation of the	
Financing Plan for Current Req	uest:								
Non-County Shares:		\$ 0							
Bonds/Notes:		2,550,000							
Cash:		0							
Total:		\$ 2,550,000				· · · · · · · · · · · · · · · · · · ·			
SEQR Classification: TYPE II									
Amount Requested: 2,550,000									
Expected Design Work Provider County Staff	_	nsultant			Not App	licable			
Comments:									
Energy Efficiencies:									

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Appropriation History:

Year	Amount	Description
2020	1,000,000	FUNDS THIS PROJECT
2021	17,000,000	LUDLOW PARK (WATER ACCESS PARK), YONKERS, \$10,000,000; 4TH STREET PLAYGROUND, MT. VERNON, \$2,000,000 AND RIVERWALKIMPROVEMENTS, YONKERS, \$5,000,000
2022	-700,000	DESIGN OF RIVERWALK IMPROVEMENTS IN TARRYTOWN \$1,300,000; 4TH STREET PLAYGROUND MT. VERNON APPROPRIATION REDUCTION (\$2,000,000)
2023	6,000,000	A TURF FIELD AT FLINT PARK IN LARCHMONT \$1,000,000; A LINEAR PARK EXTENDING NORTH FROM THE YONKERS JOINT WATER RESOURCE RECOVERY FACILTY IN THE LUDLOW SECTION OF YONKERS \$5,000,000.
2024	3,927,000	FUNDS THE REHABILITATION OF THE EXISTING RIVERWALK IN TARRYTOWN (\$1M) AND PROVIDES ADDITIONAL FUNDS TO THE PROJECT (\$500,000), AS WELL AS FUNDING FOR SILLIMAN PARK UPGRADES IN ARDSLEY (\$2M) AND RYE TOWN PARK BATHHOUSE UPGRADES (\$427,000)
2025	15,550,000	FUNDS THE CONSTRUCTION OF HABIRSHAW PARK IMPROVEMENTS LOCATED IN THE CITY OF YONKERS (\$2M), THI CONSTRUCTION OF RIVERWALK IMPROVEMENTSLOCATED IN THE VILLAGE OF TARRYTOWN (\$3M), MT. VERNON 4TH STREET PARK IMPROVEMENTS (\$3M), AND WARD HOUSE PURCHASE

Total Appropriation History:

42,777,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
23	227	200,000		0 PARKLAND AND HISTORICAL PRESERVATION PROGRAM
24	73	1,000,000		0 PARKLAND AND HISTORICAL PRESERVATION PROGRAM - ID # 2434
24	149	270,000		0 RIVERWALK
24	233	100,000		0 311 WELCHER AVE
25	11	427,000		0 RYE TOWN BATHHOUSE
25	61	15,000,000		0 RIVERFRONT PARK CITY OF YONKERS

Total Financing History:

16,997,000

Recommended By:

Department of Planning Date MLLL 06-09-2025 **Department of Public Works** Date RJB4 06-10-2025 **Budget Department** Date DEV9 06-10-2025 **Requesting Department** Date MLLL 06-10-2025

PARKLAND AND HISTORICAL PRESERVATION PROGRAM (BLA1A)

User Department:

Planning

Managing Department(s):

Planning ;

Estimated Completion Date:

TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CARITAL PROGRAM (in thousands)

LIAE LEWY CWLTIMP LL		Liiousaiius)						
	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029 Under Review
Gross	42,777	27,227	2,324	10,550				5,000
Non County Share								
Total	42,777	27,227	2,324	10,550				5,000

Project Description

The Legacy Program is designed to aggressively pursue land acquisition for three major objectives. One major objective is to purchase parkland for active recreation such as baseball and soccer fields, trail ways and bike paths. A key component of the ball field initiative is to partner with municipalities on the acquisition and/or development of ball fields to maximize available funding. The development of RiverWalk, the proposed promenade along the Hudson River, is a key component of the Legacy Program. A second major objective is to protect our County's natural habitats and protect rivers, streams and lakes. The third objective is to preserve land for historic preservation and protection of our cultural heritage. This project continues Capital Project BLA01 Parkland Acquisition/ Westchester Legacy Program. This is a general fund, specific projects are subject to a Capital Budget Amendment.

Current Year Description

The current year request funds the construction of Habirshaw Park improvements located in the City of Yonkers (\$2m), the construction of Riverwalk improvements located in the Village of Tarrytown (\$3m), Mt. Vernon 4th Street Park improvements (\$3m), and Ward House Purchase and Restoration in the Village of Tuckahoe (\$2.55m).

Current Yea	r Financing Plan			
Year	Bonds	Cash	Non County Shares	Total
2025	10,550,000		224,634623446	10,550,000

Impact on Operating Budget

The impact on the Operating Budget is the appropriation of Cash to Capital and the debt service associated with the issuance of bonds.

PARKLAND AND HISTORICAL PRESERVATION PROGRAM (BLA1A)

V		Passintian	Chalman
Year	Amount	Description	Status
2020	1,000,000	Funds this project	\$270,000 DESIGN; \$800,000 AWAITING BOND AUTHORIZATION
2021	17,000,000	Ludlow Park (Water Access Park), Yonkers, \$10,000,000; 4th Street Playground, Mt. Vernon, \$2,000,000 and Riverwalk Improvements, Yonkers, \$5,000,000	AWAITING BOND AUTHORIZATION
2022	(700,000)	Design of Riverwalk improvements in Tarrytown \$1,300,000; 4th Street Playground Mt. Vernon appropriation reduction (\$2,000,000)	\$1,300,000 DESIGN; (\$2,000,000) APPROPRIATION REDUCTION
2023	6,000,000	A turf field at Flint Park in Larchmont \$1,000,000; a linear park extending north from the Yonkers Joint Water Resource Recovery Facilty in the Ludlow section of Yonkers \$5,000,000.	\$1,000,000 IN PROGRESS; \$5,000,000 AWAITING BOND AUTHORIZATION
2024	3,927,000	Funds the rehabilitation of the existing Riverwalk in Tarrytown (\$1M) and provides additional funds to the project (\$500,000), as well as funding for Silliman Park upgrades in Ardsley (\$2M) and Rye Town Park Bathhouse upgrades (\$427,000)	\$270,000 DESIGN; \$100,000 PENDING PROPERTY ACQUISITION; \$3,557,000 AWAITING BOND AUTHORIZATION
Total	27,227,000		

Prior Appropriations			
	Appropriated	Collected	Uncollected
Bond Proceeds	25,927,000		25,927,000
Funds Revenue	1,300,000	1,300,000	
Total	27,227,000	1,300,000	25,927,000

Bonds Aut	thorize	ed			
Bond A	ct	Amount	Date Sold	Amount Sold	Balance
227	23	200,000			200,000
73	24	1,000,000			1,000,000
149	24	270,000			270,000
233	24	100,000			100,000
To	tal	1,570,000	777		1,570,000

AN ACT authorizing the County of Westchester to purchase two (2) parcels of real property located at 230 and 224 White Plains Road in Tuckahoe, New York.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. The County of Westchester (the "County") is hereby authorized to purchase two (2) parcels of real property located at 230 and 224 White Plains Road in Tuckahoe, New York, consisting of a two family dwelling, commonly known as the "Ward House", and a vacant residentially-zoned lot, adjacent to the dwelling. The properties shall be dedicated as parkland.

- §2. The amount to be paid for the purchase of the subject properties shall not exceed NINE HUNDRED EIGHTY THOUSAND and 00/100 (\$980,000.00) DOLLARS.
- §3. The County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents and take all actions necessary and appropriate to effectuate the purposes hereof.
 - §4. This Act shall take effect immediately.



Kenneth W. Jenkins Westchester County Executive

August 15, 2025

Westchester County Board of Legislators 800 Michaelian Office Building White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

As your Honorable Board is aware, to encourage the development of affordable housing that will affirmatively further fair housing ("AFFH") in Westchester County (the "County"), the County has established New Homes Land Acquisition III (2024-33) ("NHLA" or "Capital Project BPL37") and Housing Implementation Fund II ("HIF" or "Capital Project BPL1A") to provide funds to assist in the acquisition of property and construction of infrastructure improvements, respectively.

Transmitted herewith for your review and approval please find the following:

1. Land Purchase and Conveyance. An Act (the "Land Acquisition Act") to authorize the purchase and subsequent conveyance of approximately +/- 16,640 square feet of real property located at 632-636 South Broadway in the City of Yonkers (the "Property") to Macquesten Development, LLC, its successors, assigns, or any entity created to carry out the purposes of the proposed transaction (the "Developer"), as part of the County's program to support the construction of affordable rental housing units that affirmatively further fair housing (the "Affordable AFFH Units"). The Land Acquisition Act also authorizes the County to grant and accept any property rights necessary in furtherance thereof.

Upon acquisition of the Property, the County will file a Declaration of Restrictive Covenants against the Property, to require that the Affordable AFFH Units be marketed and leased in accordance with an approved affordable fair housing marketing plan to eligible households earning at or below 50% and up to 80% of the Westchester County area median income ("AMI"). The AFFH Units will remain affordable for a period of not less than fifty (50) years, noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

In accordance with the Land Acquisition Act, the County will subsequently convey the Property to the Developer for One (\$1.00) Dollar for the Developer to construct a new building with one hundred sixty (160) Affordable AFFH Units (the "Development"). The Development will include 7 studios, 69 one-bedroom, 64 two-bedroom and 20 three-bedroom units, and 146 parking spaces

Office of the County Executive Michaelian Office Building 148 Martine Avenue White Plains, New York 10601

Telephone: (914)995-2900 Ema

Email: ceo@westchestercountyny.gov

and other related improvements.

- 2. Acquisition Financing. A New Homes Land Acquisition Bond Act (the "NHLA Bond Act") to authorize the issuance of bonds of the County, in a total amount not to exceed \$5,900,000, as a part of Capital Project BPL37 New Homes Land Acquisition III. The Department of Planning ("Planning") has advised that, subject to the approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$5,900,000 to purchase the Property from the current owner(s) of record for the construction of the Development.
- 3. Inter-Municipal Developer Agreement Act. An Act (the "IMDA Act") to authorize the County to enter into an Inter-Municipal Developer Agreement (the "IMDA") with the City of Yonkers ("City") and the Developer, its successors or assigns, or any entity created to carry out the purposes of the transaction, to finance the construction of a portion of the infrastructure improvements associated with the construction of 146 parking spaces in the Development. The infrastructure improvements will include, but not be limited to, new ramps, concrete flooring, drainage, electrical systems, fire suppression systems, signage, landscaping, waterproofing, construction management and County administrative costs (the "Infrastructure Improvements") in support of the Affordable AFFH Units as part of the County's program to ensure the development of new affordable housing. The term of the IMDA will be fifteen (15) years (commensurate with the period of probable usefulness of the HIF bonds as described herein). The IMDA will provide, amongst other things, that the City and/or the Developer, its successors or assigns, or any entity created to carry out the purposes of the transaction, will be responsible for all costs of operation and maintenance of the Infrastructure Improvements.

The IMDA will require the Developer, as a condition of the County's financing of the Infrastructure Improvements, to record a declaration of restrictive covenants approved by, and enforceable by, the County which will run with the land and bind the Property and any successor(s) in interest and will require that the Affordable AFFH Units be maintained and marketed in accordance thereto for a period of not less than fifty (50) years.

Planning has advised that the authorization of your Honorable Board is required to accept all necessary property rights required to construct the Infrastructure Improvements. The County will have an ownership interest in the Infrastructure Improvements through an easement until the expiration of the term of the HIF bonds, as described herein. However, the County will not be responsible for any costs related to the operation and maintenance of the Infrastructure Improvements.

4. Construction Financing. A Bond Act (the "HIF Bond Act") to authorize the issuance of bonds of the County in an amount not-to-exceed \$4,050,000, as a part of Capital Project BPL1A, to finance a portion of the Infrastructure Improvements for the Development. Planning has advised that, subject to the approval of your Honorable Board, the HIF Bond Act will authorize an amount not to exceed \$4,050,000 (the "County Funds") for the Infrastructure Improvements, which includes costs to cover the County's legal fees and staff costs.

Planning has further advised that additional funding for the Development, with an estimated total cost of approximately \$130,947,382 is anticipated to be provided through the following funding sources:

- a) New York State Housing Finance Agency ("HFA") first mortgage;
- b) New York State Homes and Community Renewal ("HCR") subsidy;
- c) Federal Low Income Housing tax credits;
- d) New York State Brownfield tax credits; and
- e) City of Yonkers HOME.

Planning has further advised that Section 167.131 of the Laws of Westchester County ("LWC") mandates that a Capital Budget Amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. On June 3, 2025, the Planning Board adopted Resolutions No. 25-13 and No. 25-14 which recommended the County provide HIF funding and NHLA funding respectively in connection with this project, which are annexed hereto for your Honorable Board's information. In addition, in accordance with LWC Section 191.41, the Commissioner of Planning has provided a report, which is also attached hereto for your Honorable Board's consideration.

Based on the importance of creating more affordable housing units that affirmatively further fair housing in the County of Westchester, your favorable action on the annexed Acts is respectfully requested.

Sincerely

Kenneth W. Jenkins

Westchester County Executive

KWJ/BPL/LG/CC

Attachments

HONORABLE BOARD OF LEGISLATORS THE COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive recommending the enactment of the following acts:

1. <u>Land Purchase and Conveyance</u>. An Act (the "Land Acquisition Act") to authorize the purchase and subsequent conveyance of approximately +/- 16,640 square feet of real property located at 632-636 South Broadway in the City of Yonkers (the "Property") to Macquesten Development, LLC, its successors, assigns, or any entity created to carry out the purposes of the proposed transaction (the "Developer"), as part of the County's program to support the construction of affordable rental housing units that affirmatively further fair housing (the "Affordable AFFH Units"). The Land Acquisition Act also authorizes the County to grant and accept any property rights necessary in furtherance thereof.

Upon acquisition of the Property, the County will file a Declaration of Restrictive Covenants against the Property, to require that the Affordable AFFH Units be marketed and leased in accordance with an approved affordable fair housing marketing plan to eligible households earning at or below 50% and up to 80% of the Westchester County area median income ("AMI"). The AFFH Units will remain affordable for a period of not less than fifty (50) years, noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

In accordance with the Land Acquisition Act, the County will subsequently convey the Property to the Developer for One (\$1.00) Dollar for the Developer to construct a new building with one hundred sixty (160) Affordable AFFH Units (the "Development"). The Development will include 7 studios, 69 one-bedroom, 64 two-bedroom and 20 three-bedroom units and 146 parking spaces and other related improvements.

2. Acquisition Financing. A New Homes Land Acquisition Bond Act (the "NHLA Bond Act") to

authorize the issuance of bonds of the County, in a total amount not to exceed \$5,900,000, as a part of Capital Project BPL37 New Homes Land Acquisition III. The Department of Planning ("Planning") has advised that, subject to the approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$5,900,000 to purchase the Property from the current owner(s) of record to allow for the construction of the Development.

3. Inter-Municipal Developer Agreement Act. An Act (the "IMDA Act") to authorize the County to enter into an Inter-Municipal Developer Agreement (the "IMDA") with the City of Yonkers ("City") and the Developer, its successors or assigns, or any entity created to carry out the purposes of the transaction, to finance the construction of a portion of the infrastructure improvements associated with the construction of 146 parking spaces in the Development. The infrastructure improvements will include, but not be limited to, new ramps, concrete flooring, drainage, electrical systems, fire suppression systems, signage, landscaping, waterproofing, construction management and County administrative costs (the "Infrastructure Improvements") in support of the Affordable AFFH Units as part of the County's program to ensure the development of new affordable housing. The term of the IMDA will be fifteen (15) years (commensurate with the period of probable usefulness of the HIF bonds as described herein). The IMDA will provide, amongst other things, that the City and/or the Developer, its successors or assigns, or any entity created to carry out the purposes of the transaction, will be responsible for all costs of operation and maintenance of the Infrastructure Improvements.

The IMDA will require the Developer, as a condition of the County's financing of the Infrastructure Improvements, to record a declaration of restrictive covenants approved by, and enforceable by, the County which will run with the land and bind the Property and any successor(s) in interest and will require that the Affordable AFFH Units be maintained and marketed in accordance thereto for a period of not less than fifty (50) years.

Planning has advised that the authorization of your Honorable Board is required to accept all necessary property rights required to construct the Infrastructure Improvements. The County will have an ownership interest in the Infrastructure Improvements through an easement until the

expiration of the term of the HIF bonds, as described herein. However, the County will not be responsible for any costs related to the operation and maintenance of the Infrastructure Improvements.

4. <u>Construction Financing</u>. A Bond Act (the "HIF Bond Act") to authorize the issuance of bonds of the County in an amount not-to-exceed \$4,050,000, as a part of Capital Project BPL1A, to finance a portion of the Infrastructure Improvements for the Development. Planning has advised that, subject to the approval of your Honorable Board, the HIF Bond Act will authorize an amount not to exceed \$4,050,000 (the "County Funds") for the Infrastructure Improvements, which includes costs to cover the County's legal fees and staff costs.

Planning has further advised that additional funding for the Development, with an estimated total cost of approximately \$130,947,382 is anticipated to be provided through the following funding sources:

- f) New York State Housing Finance Agency ("HFA") first mortgage;
- g) New York State Homes and Community Renewal ("HCR") subsidy;
- h) Federal Low Income Housing tax credits;
- i) New York State Brownfield tax credits; and
- j) City of Yonkers HOME.

Planning has further advised that Section 167.131 of the Laws of Westchester County ("LWC") mandates that a Capital Budget Amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. On June 3, 2025, the Planning Board adopted Resolutions No. 25-13 and No. 25-14 which recommended the County provide HIF funding and NHLA funding respectively in connection with this project, which are annexed hereto for your Honorable Board's information. In addition, in accordance with LWC Section 191.41, the Commissioner of Planning has provided a report, which is also attached hereto for your Honorable Board's consideration.

As your Honorable Board is aware, no action may be taken with regard to the proposed

legislation until the requirements of the State Environmental Quality Review Act ("SEQRA") have

been met. The Planning Department has advised that the City Zoning Board of Appeals ("ZBA")

classified this project as a Type I action. On November 17, 2022, the ZBA issued a notice of intent

to serve as lead agency, circulated Part 1 of a Full Environmental Assessment Form and circulated a

Full Environmental Assessment Form to involved agencies, including the Westchester County Board

of Legislators. On February 17, 2023, the ZBA issued a Negative Declaration for the project. Since

the City undertook coordinated review and the County was included as an involved agency, then, in

accordance with SEQRA and its implementing regulations (6 NYCRR Part 617), no further

environmental review is required by the County.

Based on the foregoing, your Committee believes that the Acts are in the best interest of the

County and therefore recommends their adoption, noting that the IMDA Act requires no more than

an affirmative vote of the majority of your Honorable Board, while the Land Acquisition Act, NHLA

Bond Act and HIF Bond Act require the affirmative vote of two-thirds of the members of your

Honorable Board.

Dated:

, 2025

White Plains, New York

COMMITTEE ON:

c/cmc/8.15.25

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Memorandum



Department of Planning 432 Michaelian Office Building 148 Martine Avenue White Plains, NY 10601

TO:

Honorable Kenneth W. Jenkins

County Executive

FROM:

Blanca P. Lopez

Commissioner

DATE:

August 14, 2025

SUBJECT:

Acquisition of Real Property – 632-636 South Broadway – City of

Yonkers

Pursuant to Section 191.41 of the County Charter, submitted herewith is the required report of the Commissioner of Planning on the proposed acquisition and subsequent conveyance of +/-16,640 square feet of real property located at 632-636 South Broadway in the City of Yonkers, identified on the City tax maps as Section 1 Block 29 Lot: 1 (the "Property") for the purpose of creating 160 affordable housing units (the "Affordable AFFH Units"), that will affirmatively further fair housing ("AFFH"). The development will also provide approximately 146 parking spaces for residents.

The County of Westchester ("the County") intends to finance the purchase of the Property from the current owner in an amount not to exceed \$5,900,000 as a part of Capital Project BPL37 New Homes Land Acquisition III. Upon acquisition of the Property, the County will file a Declaration of Restrictive Covenants to require that the Affordable AFFH Units are marketed and leased in accordance with an approved affirmative fair housing marketing plan and will remain available to eligible households for a period of not less than 50 years. The County will then convey ownership of the Property to Macquesten Development LLC (the "Developer"), its successors or assigns, for One (\$1.00) Dollar.

The Developer proposes to construct one building of sixteen-stories on the Property that will include a mix of affordable studio, one, two and three-bedroom rental apartments that will be leased to households who earn at or below 50% and up to 80% of the area median income (collectively the "Development").

I recommend funding for acquisition and conveyance of the Property for the following reasons:

- 1. The acquisition of this Property will advance the County's efforts to provide fair and affordable housing;
- 2. The acquisition and subsequent conveyance of the Property to develop fair and affordable housing is consistent with development policies adopted by the County Planning Board as set forth in Westchester 2025 Context for County and Municipal Planning

- in Westchester County and Policies to Guide County Planning, adopted May 6, 2008, and amended January 5, 2010, and the recommended strategies set forth in Patterns for Westchester: The Land and the People, adopted December 5, 1995;
- 3. The Development is proposed to include green technology, such as energy efficient appliances, lighting and heating systems and water-conserving fixtures to reduce operating and maintenance costs, minimize energy consumption and conserve natural resources. The Development is designed to meet the sustainability guidelines of New York State Homes and Community Renewal and is seeking the highest green building certification: Passive House;
- 4. The Development is consistent with the land use policies and regulations of the City of Yonkers; and
- 5. On June 3, 2025, the County Planning Board adopted a resolution to recommend County financing towards the purchase the Property to support the Development.

BPL/lg

cc: Richard Wishnie, Deputy County Executive Joan McDonald, Director of Operations John M. Nonna, County Attorney Westchester County Planning Board



WESTCHESTER COUNTY PLANNING BOARD

Housing Implementation Fund II Capital Project Funding Request 632-636 South Broadway, City of Yonkers

WHEREAS, the County has established Capital Project BPL1A Housing Implementation Fund II ("HIF") to assist municipalities with the cost of construction of public infrastructure improvements associated with the development of fair and affordable housing; and

WHEREAS, Macquesten Development LLC (collectively the "Developer"), its successors or assigns, desire to develop the real property located at 632-636 South Broadway in the City of Peekskill (the "City"), identified on the City tax maps as Section 1; Block 29; Lot 1 (the "Property") to create 160 residential units (collectively the "Development"). All 160 units will be affordable residential units that will affirmatively further fair housing (the "Affordable AFFH Units");

WHEREAS, the Developer desires the County to fund infrastructure improvements to support the construction of a sixteen-story building, with 160 affordable residential rental units and 146 parking spaces (the "Development"); and

WHEREAS, 59 rental units will be available to households who earn at or below 50% of Westchester County's Area Median Income ("AMI"), 82 rental units will be available to households who earn at or below 60% of AMI and 18 rental units will be available to households who earn at or below 80% of AMI.; and

WHEREAS, the Affordable AFFH Units will be leased to eligible households pursuant to an approved Affirmative Fair Housing Marketing Plan and remain affordable for a minimum of 50 years; and

WHEREAS, a not to exceed amount of \$4,050,000 is requested from Capital Project BPL1A Housing Implementation Fund II to fund a portion of the infrastructure improvements associated but not be limited to, construction of structured parking, on-site and off-site paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs; and

WHEREAS, the Development proposes to include green technology such as high efficiency windows, energy efficient appliances, lighting and heating systems and water-conserving fixtures to maximize energy efficiency, reduce heating and cooling costs and conserve natural resources; and

WHEREAS, the Development is subject to approvals by the City of Yonkers; and

WHEREAS, the Development has provided a revised development underwriting showing

NYS Brownfield Tax Credit Equity replacing Greenhouse Gas Reduction Fund as a funding source; and

WHEREAS, the funding to support the development of the Affordable AFFH Units is consistent with and reinforces Westchester 2025 – Policies to Guide County Planning, the County Planning Board's adopted long-range land use and development policies, by contributing to the development of "a range of housing types" "affordable to all income levels;" and

WHEREAS, the staff of the County Department of Planning have reviewed the proposal and recommend the requested funding associated with the construction of the infrastructure improvements; and

RESOLVED, that the Westchester County Planning Board after completing a review of the physical planning aspects of the Development, supports the request to provide a not to exceed amount of \$4,050,000 for infrastructure improvements for the Development under the terms of the HIF Program, which will support the creation of 160 Affordable AFFH Units which will be available to households who earn at or below 50% and up to 80% of AMI, located at 632-636 South Broadway in the City of Yonkers; and

RESOLVED, that the Westchester County Planning Board amends its report on the 2025 Capital Project Requests to include 632-636 South Broadway in the City of Yonkers, as a new component project in Capital Project BPLIA under the heading of Buildings, Land and Miscellaneous.

Adopted this 3th day of June 2025.

Bernard Thombs, Chair

RESOLUTION 25-

WESTCHESTER COUNTY PLANNING BOARD

New Homes Land Acquisition II Capital Project Funding Request 632-636 South Broadway. City of Yonkers

WHEREAS, the County of Westchester (the "County") has established Capital Project BPL30 New Homes Land Acquisition II ("NHLA") to assist in the acquisition of property associated with the development and preservation of fair and affordable housing; and

WHEREAS, Macquesten Development LLC (the "Developer"), its successors or assigns, desires to develop the real property located at 632-636 South Broadway in the City of Yonkers (the "City"), identified on the tax maps as Section 1; Block 29; Lot: I (the "Property") to create 160 residential units (collectively the "Development"). All 160 units will be affordable residential units that will affirmatively further fair housing (the "Affordable AFFH Units"); and

WHEREAS, the County proposes to purchase the Property from the owner of record, for a not to exceed amount of \$5,900,000 with funds from NHLA and subsequently convey the Property to the Developer for One (\$1.00) Dollar to underwrite the cost of the land; and

WHEREAS, upon acquisition, the County will file a Declaration of Restrictive Covenants to require that the Affordable AFFH Units constructed on the Property be leased to households who earn at or below 50% and up to 80% of the Westchester County Area Median Income ("AMI"); and

WHEREAS, the County will transfer ownership of the Property to the Developer to construct a mix of studio, one, two and three-bedroom apartments to be leased to eligible households, pursuant to an approved Affirmative Fair Housing Marketing Plan, for a minimum of 50 years; and

WHEREAS, in furtherance of the above, the County Executive will be submitting legislation to the Board of Legislators to amend Capital Project BPL37 NHLA III to add the Property, 632-636 South Broadway; City of Yonkers, and authorize bonding in a not to exceed amount of \$5,900,000 to develop the Property; and

WHEREAS, the Development is subject to approvals by the City of Yonkers; and

WHEREAS, the Development will provide a revised development underwriting showing NYS Brownfield Tax Credit Equity replacing Greenhouse Gas Reduction Fund as a funding source; and

WHEREAS, the funding to support the development of the Affordable AFFH Units is

consistent with and reinforces Westchester 2025 – Policies to Guide County Planning, the County Planning Board's adopted long-range land use and development policies, by contributing to the development of "a range of housing types" "affordable to all income levels"; and

WHEREAS, the staff of the County Department of Planning have reviewed the proposal and recommend the requested funding associated with acquisition of the Property; and

RESOLVED, that the Westchester County Planning Board after completing a review of the physical planning aspects of the Affordable AFFH Units, subject to an appraisal, recommends that the County provide financial assistance in a not-to-exceed amount of \$5,900,000 from BPL37 NHLA III for property acquisition; and be it further

RESOLVED, that the Westchester County Planning Board amends its report on the 2025 Capital Project requests to include 632-636 South Broadway in the City of Yonkers, as a new component project in Capital Project BPL37 NHLA III under the heading of Buildings, Land and Miscellaneous.

Adopted this 3th day of June 2025.

Bernard Thombs, Chair



TO:

Leonard Gruenfeld, Program Director

Division of Housing & Community Development

FROM:

David S. Kvinge, AICP, RLA, CFM

Assistant Commissioner

DATE:

July 31, 2025

SUBJECT:

STATE ENVIRONMENTAL QUALITY REVIEW FOR

BPL37 NEW HOMES LAND ACQUISITION III BPL1A HOUSING IMPLEMENTATION FUND II 632 AKA 636 SOUTH BROADWAY, YONKERS

Pursuant to your request, Environmental Planning staff has reviewed the above referenced project with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The action involves the provision of County funding under capital projects BPL37 – New Homes Land Acquisition III (Fact Sheet ID: 3002) and BPL1A – Housing Implementation Fund II (Fact Sheet ID: 3003) to facilitate the development of affordable housing at 632—also known as 636—South Broadway in the City of Yonkers. County BPL37 funds will be applied towards the purchase of approximately 0.38 acres of property, which will be transferred to a developer, who will create approximately 160 units of affordable rental housing that will affirmatively further fair housing. The project will include the construction of a new 16-story building and approximately 146 on-site parking spaces to serve the residents. BPL1A funds will be used towards infrastructure improvements, such as new ramps, concrete flooring, drainage, electrical systems fire suppression systems, signage, landscaping and waterproofing.

In accordance with SEQR, the City of Yonkers Zoning Board of Appeals (ZBA) classified this project as a Type I action. On November 17, 2022, the Yonkers ZBA sent out a notice of intent to serve as lead agency, along with Part 1 of a Full Environmental Assessment Form. On February 17, 2023, the Yonkers ZBA sent out a Negative Declaration notice for the project. Since the City undertook coordinated review and the County of Westchester was included in the coordinated review process, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.

Please contact me if you require any additional information regarding this document.

DSK/cnm

Att.

cc: Blanca Lopez, Commissioner

Carla Chaves, Senior Assistant County Attorney

Susan Darling, Chief Planner

Michael Lipkin, Associate Planner

Claudia Maxwell, Principal Environmental Planner

ACT NO. -20

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,900,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PURCHASE OF REAL PROPERTY LOCATED AT 632-636 SOUTH BROADWAY, IN THE CITY OF YONKERS, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING ("AFFH") PURSUANT TO THE COUNTY'S NEW HOMES LAND ACQUISITION PROJECT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,900,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,900,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted , 20)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and other laws applicable thereto, bonds of the County in the aggregate amount of \$5,900,000, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the purchase of approximately 16,640 square feet of real property located at 632-636 South Broadway, in the City of Yonkers and identified on the tax maps as Section 1: Block 29: Lot 1 (the "AFFH Property") from the current owner(s) of record at a cost of \$5,900,000, including acquisition and settlement

costs, in order to support the construction of 160 affordable housing units that will affirmatively further fair housing ("AFFH"). The County will file, or cause to be filed, a Declaration of Restrictive Covenants in the Westchester County Clerk's office requiring that the AFFH Property remain affordable for a period of not less than 50 years. The funding requested herein is in support of the construction of 160 affordable AFFH rental units, including 146 parking spaces, at the aggregate estimated maximum cost of \$5,900,000 for the acquisition of the AFFH Property. The AFFH Property shall be acquired by the County, subjected to said Declaration of Restrictive Covenants and subsequently conveyed to Macquesten Development, LLC (the "Developer"), its successors or assigns. The County's acquisition of the AFFH Property is set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County and the Statement of Need, such Budget and Statement of Need shall be deemed and are hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,900,000. The plan of financing includes the issuance of \$5,900,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy and collection of a tax on taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness for which said \$5,900,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years.

Section 3. The County intends to finance, on an interim basis, the costs or a portion of the costs of said object or purpose for which bonds are herein authorized, which costs are

reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Act, in the maximum amount of \$5,900,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$5,900,000 as the estimated maximum cost of the aforesaid object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of section 30.00 relative to the authorization of the issuance of bond anticipation notes and the renewals thereof, and of sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, and the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds and the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on

said bonds and any notes issued in anticipation of the sale of said bonds and the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
 - (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

STATE OF NEW YORK)	
: ss.: COUNTY OF WESTCHESTER)	
I HEREBY CERTIFY that	I have compared the foregoing Act No20 with the
original on file in my office, and that the	same is a correct transcript therefrom and of the whole of
the said original Act, which was duly ado	pted by the County Board of Legislators of the County of
Westchester on , 20 and approv	ed by the County Executive on , 20
IN WITNESS WHEREOF,	I have hereunto set my hand and affixed the corporate
	seal of said County Board of Legislators this day
	of ,20
	Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York
(SEAL)	

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of
Legislators on, 20 and approved by the County Executive on
, 20 and the validity of the obligations authorized by such Bond Act may be
hereafter contested only if such obligations were authorized for an object or purpose for which the
County of Westchester, in the State of New York, is not authorized to expend money or if the
provisions of law which should have been complied with as of the date of publication of this Notice
were not substantially complied with, and an action, suit or proceeding contesting such validity is
commenced within twenty days after the publication of this Notice, or such obligations were
authorized in violation of the provisions of the Constitution. Complete copies of the Bond Act
summarized herewith shall be available for public inspection during normal business hours at the
Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period
of twenty days from the date of publication of this Notice.

ACT NO. -20

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,900,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PURCHASE OF REAL PROPERTY LOCATED AT 632-636 SOUTH BROADWAY, IN THE CITY OF YONKERS, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING ("AFFH") PURSUANT TO THE COUNTY'S NEW HOMES LAND ACQUISITION PROJECT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,900,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,900,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted , 20___)

Object or purpose:

to finance the cost of the purchase of approximately 16,640 square feet of real property located at 632-636 South Broadway, in the City of Yonkers and identified on the tax maps as Section 1: Block 29: Lot 1 (the "AFFH Property") from the current owner(s) of record at a cost of \$5,900,000, including acquisition and settlement costs, in order to support the construction of 160 affordable housing units that will affirmatively further fair housing ("AFFH"). The County will file, or cause to be filed, a Declaration of Restrictive Covenants in the Westchester County Clerk's office requiring that the AFFH Property remain affordable for a period of not less than 50 years. The funding requested herein is in support of the construction of 160 affordable AFFH rental units, including 146 parking spaces, at the aggregate estimated maximum cost of \$5,900,000 for the acquisition of the AFFH Property. The AFFH Property shall be acquired by the County, subjected to said Declaration of Restrictive Covenants and subsequently conveyed to Macquesten Development, LLC (the

"Developer"), its successors or assigns. The County's acquisition of the AFFH Property is set forth in the County's Current Year Capital Budget, as amended.

Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York

Amount of obligations to be issued and period of probable usefulness:	\$5,900,000 - thirty (30) years
Dated:, 20 White Plains, New York	

FISCAL IMPACT STATEMENT

CAPITAL PROJECT	#:BPL37	NO FISCAL IMPACT PROJECTED				
SECTION A - CAPITAL BUDGET IMPACT						
	To Be Completed by	/ Budget				
X GENERAL FUN	D AIRPORT FUND	SPECIAL DISTRICTS FUND				
	Source of County Funds (check one):	X Current Appropriations				
		Capital Budget Amendment				
632-636 South Bro	adway, City of Yonkers					
	SECTION B - BONDING AU	THORIZATIONS				
	To Be Completed by	Finance				
Total Principa	I \$ 5,900,000 PPU	30 Anticipated Interest Rate 4.54%				
Anticipated A	nnual Cost (Principal and Interest):	\$ 367,772				
Total Debt Sei	rvice (Annual Cost x Term):	\$ 11,033,160				
Finance Depar	rtment: Interest rates from August 1	8, 2025 Bond Buyer - ASBA				
	SECTION C - IMPACT ON OPERATING BUI	OGET (exclusive of debt service)				
· ·	To Be Completed by Submitting Departm					
Potential Rela	ted Expenses (Annual): \$	-				
Potential Related Revenues (Annual): \$ -						
Anticinated sa	ivings to County and/or impact of depart	ment operations				
Vu 42 VVV 429 449	etail for current and next four years):	ment operations				
(describe in a	ctan for carrent and next four years).					
ω .						
	SECTION D - EMPLO	OVMENT				
А	s per federal guidelines, each \$92,000 of	at the second se				
Number of Fu	ll Time Equivalent (FTE) Jobs Funded:	N/A				
is to nectical and only if it is						
Prepared by:	Blanca P. Lopez	- /				
Title:	Commissioner	Reviewed By:				
Department:	Planning	- 60 8/19/25 Budget Director				
Date:	8/19/25	Date: 8 08 2 T				

Capital Project Fact Sheet Form

JL.								
Project ID: * BPL37					Fact Shee 07/15/20			
Fact Sheet Ye	ear *		NEW HOM	IES LAND A	CQUISTION	Legislativ	e District ID	:
2025			III (2024-			17		
2023			111 (2024	33)		17		
Category*			Departmer	14.*		Unique Id	lentifier	
BUILDINGS	LAND 9.		PLANNING			3002		
			EPAINIATIAC	3		3002		
MISCELLAN	EUUS							
purpose of for fair and associated through the appraisals,	t provides for the New Ho affordable I with, and of NHLA prog property su	inds to acquimes Land Anousing devi ten required ram. Such a	cquisition (lelopment. In for, site actions of the control of the	NHLA) Fund in addition to equisition m costs may in ssessments	to the acquis ay be consid aclude, but a , hazardous	se the inven ition cost of lered eligible re not limite	tory of avail properties, costs to be d to, closin	ilable properties , other costs e funded
Best Mana	agement		☐ Energy E	fficiencies		☐ Infrastru	cture	
Life Safet	y		Project L	abor Agreen	nent	Revenue		
Security			Other			Other Detai	ils	
Five Yea	ır Capita	Program	ı (in Tho	usands)				
	Estimate d Ultimate	Prior Appropri ation	2025	2026	2027	2028	2029	Under Review
у.	Total Cost							
Gross	220,000	25,000	25,000	25,000	25,000	25,000	25,000	70,000
Less Non- County Shares	0	0	0	0	0	0	0	0
Net	220,000	25,000	25,000	25,000	25,000	25,000	25,000	70,000

Expended Obligated Amount (in thousands)
0

Bonding is reque at 632-636 Sout Lot: 1 (the "Prop	th Broadway in the City perty") in order to cons Further Fair Housing	quisition of approximately 16,640 square for a control of the cont	s as Section 1: Block 29; s one employee unit) that
	lan for Current R	aguach	*
Bond/Notes:	5,900,000	equesti	
Cash:	0		
Non-county Shares:	0		
Total:	5,900,000		
SEQR Classification TYPE I Amount Requeste 5,900,000			
PPU			
	Description	Amount	Years
Expected Des	sign Work Provid	er	
County Staff	☐ Consultant	✓ Not Applicable	

Comments

A Capital Budget Amendment ("CBA") is requested to add the property to Capital Projects BPL37 and to authorize the County to purchase the land and structure from the current owner for an amount not to exceed \$5,900,000 to support the construction of a sixteen story residential building with 160 Affordable AFFH rental units (including one employee unit) and 146 parking spaces. Upon acquisition, the County will file a Declaration of Restrictive Covenants to require that the units will be marketed to households who earn less than 50% and up to 80% of the County Area Median Income for a period of no less than 50 years, and further that the units will be leased and marketed to eligible households under an approved Affordable Housing Marketing plan. The County will then convey ownership to Macquesten Development, LLC (the "Developer") its successors or assigns for one dollar (\$1.00).

Energy Efficiencies:

THE BUILDING WILL BE CONSTRUCTED WITH ENERGY EFFICIENT APPLIANCES, LIGHTING, HEATING AND COOLING SYSTEMS, WATER CONSERVING FIXTURES. THE BUILDING WILL ALSO INCORPORATE THE USE OF HIGH PERFORMANCE ENVELOPE INSULATION AND AIR SEALING. WILL INCLUDE 6 LE

	oriation Year	Amount	Descript	ion	
	2024	25,000,000	FUNDS THIS	PROJECT	
2025		25,000,000	CONTINUATION OF THIS PROJECT		
inancing	g History				
Year	Bond Act #	Amount	Issued Amount	Description	
Year ash His		Amount	Issued Amount	Description	

Recommended By:	
Department of Planning MLLL	Date 07/23/2025
Department of Public Works	Date 07/29/2025
Budget Department	Date
DEV9 Requesting Department	08/01/2025 Date
MLLL	08/04/2025

NEW HOMES LAND ACQUISTION III (2024-33) (BPL37)

User Department:

Planning

Managing Department(s):

Planning;

Estimated Completion Date:

TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	220,000	25,000		25,000	25,000	25,000	25,000	25,000	70,000
Non County Share									
Total	220,000	25,000		25,000	25,000	25,000	25,000	25,000	70,000

Project Description

This project provides funds to acquire property for the construction of fair and affordable housing. The purpose of the New Homes Land Acquisition (NHLA) Fund is to increase the inventory of available properties for fair and affordable housing development. In addition to the acquisition cost of properties, other costs associated with, and often required for, site acquisition may be considered eligible costs to be funded through the NHLA program. Such associated costs may include, but are not limited to, closing costs, appraisals, property surveys, environmental assessments, hazardous materials reports and demolition of existing structures. Funds can be used in all municipalities.

Current Year Description

The current year request funds the continuation of this project.

A			Pin-	-1	Pd
Curren	1	ear	rınan	cina	rian

Year Bonds Cash Non County Total Shares

2025 25,000,000

25,000,000

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

Appropriation History

Year Amount Description
2024 25,000,000 Funds this project

AWAITING BOND AUTHORIZATION

Status

Total 25,000,000

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	25,000,000		25,000,000
Total	25,000,000		25,000,000

ACT NO. - 2025

AN ACT authorizing the County of Westchester to purchase approximately +/- 16,640 square feet of real property located at 632-636 South Broadway in the City of Yonkers and to subsequently convey said property, as well as authorizing the County to grant and accept any property rights necessary in furtherance thereof, for the purpose of constructing a new building with 160 affordable rental units that will affirmatively further fair housing and remain affordable for a period of not less than fifty (50) years.

BE IT ENACTED by the County Board of the County of Westchester, as follows:

Section 1. The County of Westchester (the "County") is hereby authorized to purchase from the current owner(s) of record approximately +/- 16,640 square feet of real property located at 632-636 South Broadway in the City of Yonkers, (the "Property") to construct a new building with 160 affordable rental housing units that will affirmatively further fair housing (the "Affordable AFFH Units") as set forth in 42 U.S.C. Section 5304(b)(2).

- §2. The County is hereby authorized to purchase the Property from the current owner(s) of record for an amount not to exceed FIVE MILLION NINE HUNDRED THOUSAND (\$5,900,000) DOLLARS.
- §3. The County is hereby authorized to convey the Property to Macquesten Development, LLC, its successors or assigns or any entity created to carry out the purposes of the transaction, for One (\$1.00) Dollar to construct the Affordable AFFH Units that will be marketed and leased to households earning at or below 50% and up to 80% of the Westchester County area median income, that will remain affordable for a period of not less than fifty (50) years, and will be marketed and leased in accordance with an approved affirmative fair housing marketing plan, noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

- §4. The County is hereby authorized to file, or cause to be filed, a Declaration of Restrictive Covenants in the Westchester County Clerk's office, which will run with the land and bind the Property and any successor(s) in interest, requiring that the Affordable AFFH Units be maintained and marketed in accordance thereto for a period of not less than fifty (50) years.
- §5. The period of affordability of the Affordable AFFH Units shall be a minimum of fifty (50) years.
- **§6.** The County is hereby authorized to grant and accept any and all property rights necessary in furtherance hereof.
- §7. The transfers of the Property shall be by such deeds as approved by the County Attorney.
- §8. The County Executive or his duly authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.
 - **§9.** This Act shall take effect immediately.

ACT NO. -20

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,050,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF INFRASTRUCTURE **IMPROVEMENTS** ASSOCIATED WITH THE CONSTRUCTION OF AFFORDABLE RENTAL UNITS ON PROPERTY LOCATED AT 632-636 SOUTH BROADWAY, IN THE CITY OF YONKERS, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING ("AFFH") PURSUANT TO THE COUNTY'S NEW HOMES LAND ACQUISITION PROJECT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,050,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,050,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted ,20)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and other laws applicable thereto, bonds of the County in the aggregate amount of \$4,050,000, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of infrastructure improvements associated with the construction of affordable rental units on property located at 632-636 South Broadway, in the City of Yonkers and identified on the tax maps as Section 1: Block 29:

Lot 1 (the "AFFH Property") at a cost of \$4,050,000, including related costs incurred by the County, which may include construction management and engineering costs, and staff and legal fees, in order to support the construction of affordable housing units that will affirmatively further fair housing ("AFFH"). The infrastructure improvements may include, but shall not be limited to. new ramps, concrete flooring, drainage, electrical systems, fire suppression systems, signage, landscaping, waterproofing, construction management and County administrative costs. County will file a Declaration of Restrictive Covenants in the Westchester County Clerk's office requiring that the AFFH Property remain affordable for a period of not less than 50 years. The funding requested herein is in support of the construction of 160 Affordable AFFH rental units at the aggregate estimated maximum cost of \$4,050,000 for said infrastructure improvements. The County shall enter into an Inter-municipal/Developer agreement with the City of Yonkers and Macquesten Development, LLC, (the "Developer"), its successors or assigns, to finance eligible infrastructure improvements associated with the construction of said 160 affordable AFFH rental units (the "Development"). The cost of infrastructure improvements for the AFFH Property is set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County and the Statement of Need, such Budget and Statement of Need shall be deemed and are hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,050,000. The plan of financing includes the issuance of \$4,050,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy and collection of a tax on taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness for which said \$4,050,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 91 of the Law, is fifteen (15) years.

Section 3. The County intends to finance, on an interim basis, the costs or a portion of the costs of said object or purpose for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Act, in the maximum amount of \$4,050,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$4,050,000 as the estimated maximum cost of the aforesaid object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of section 30.00 relative to the authorization of the issuance of bond anticipation notes and the renewals thereof, and of sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, and the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds and the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes

issued in anticipation of the sale thereof shall contain the recital of validity prescribed by section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

STATE OF NEW YORK	
: ss.: COUNTY OF WESTCHESTER)	
original on file in my office, and that the	I have compared the foregoing Act No20 with the same is a correct transcript therefrom and of the whole of pted by the County Board of Legislators of the County of
Westchester on , 20 and approv	ed by the County Executive on , 20
IN WITNESS WHEREOF,	I have hereunto set my hand and affixed the corporate
	seal of said County Board of Legislators this day
	of , 20
	Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York
(SEAL)	

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of
Legislators on, 20 and approved by the County Executive on
, 20 and the validity of the obligations authorized by such Bond Act may be
hereafter contested only if such obligations were authorized for an object or purpose for which the
County of Westchester, in the State of New York, is not authorized to expend money or if the
provisions of law which should have been complied with as of the date of publication of this Notice
were not substantially complied with, and an action, suit or proceeding contesting such validity is
commenced within twenty days after the publication of this Notice, or such obligations were
authorized in violation of the provisions of the Constitution. Complete copies of the Bond Act
summarized herewith shall be available for public inspection during normal business hours at the
Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period
of twenty days from the date of publication of this Notice.

ACT NO. -20

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,050,000 BONDS OF THE COUNTY OF WESTCHESTER. OR SO MUCH THEREOF AS MAY BE NECESSARY, TO **FINANCE** THE COST OF INFRASTRUCTURE WITH THE CONSTRUCTION **IMPROVEMENTS** ASSOCIATED AFFORDABLE RENTAL UNITS ON PROPERTY LOCATED AT 632-636 SOUTH BROADWAY, IN THE CITY OF YONKERS, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING ("AFFH") PURSUANT TO THE COUNTY'S NEW ACOUISITION PROJECT: STATING THE LAND MAXIMUM COST THEREOF IS \$4,050,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,050,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE ,20)PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted

Object or purpose:

to finance the cost of infrastructure improvements associated with the construction of affordable rental units on property located at 632-636 South Broadway, in the City of Yonkers and identified on the tax maps as Section 1: Block 29: Lot 1 (the "AFFH Property") at a cost of \$4,050,000, including related costs incurred by the County, which may include construction management and engineering costs, and staff and legal fees, in order to support the construction of affordable housing units that will affirmatively further fair housing ("AFFH"); the infrastructure improvements may include, but shall not be limited to, new ramps, concrete flooring, drainage, electrical systems, fire suppression systems, signage, landscaping, waterproofing, construction management and County administrative costs. The County will file a Declaration of Restrictive Covenants in the Westchester County Clerk's office requiring that the AFFH Property remain affordable for a period of not less than 50 years; the funding requested

herein is in support of the construction of 160 Affordable AFFH rental units at the aggregate estimated maximum cost of \$4,050,000 for said infrastructure improvements; the County shall enter into an Intermunicipal/Developer agreement with the City of Yonkers and Macquesten Development, LLC, (the "Developer"), its successors or assigns, to finance eligible infrastructure improvements associated with the construction of said 160 affordable AFFH rental units (the "Development"); the cost of infrastructure improvements for the AFFH Property is set forth in the County's Current Year Capital Budget, as amended.

Amount of obligations to be issued and period of probable usefulness:

\$4,050,000 - fifteen (15) years

Dated: _____, 20___ White Plains, New York

Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #	t: BPL1A	NO FISCAL IMPACT PROJECTED
31 4199	SECTION A - CAPITAL BU	
	To Be Completed by	y Budget
X GENERAL FUNI	D AIRPORT FUND	SPECIAL DISTRICTS FUND
	Source of County Funds (check one):	X Current Appropriations
		Capital Budget Amendment
632-636 South Broa	adway, City of Yonkers	
	SECTION B - BONDING AU	ITHORIZATIONS
	To Be Completed by	Finance
Total Principal	\$ 4,050,000 PPU	15 Anticipated Interest Rate 3.50%
Anticipated An	nnual Cost (Principal and Interest):	\$ 352,999
Total Debt Serv	vice (Annual Cost x Term):	\$ 5,294,985
Finance Depart	tment: Interest rates from August 1	8, 2025 Bond Buyer - ASBA
S	ECTION C - IMPACT ON OPERATING BUT	OGET (exclusive of debt service)
	To Be Completed by Submitting Departm	nent and Reviewed by Budget
Potential Relat	ted Expenses (Annual): \$	u u
Potential Relat	ted Revenues (Annual): \$	·•
Anticipated sa	vings to County and/or impact of depart	tment enerations
	etail for current and next four years):	inent operations
(describe iii de	etan for current and flext four years).	
As	SECTION D - EMPLO sper federal guidelines, each \$92,000 of	
		The Conference of the State of
Number of Full	Time Equivalent (FTE) Jobs Funded:	n/a
Prepared by:	Blanca P. Lopez	- \ \
Title:	Commissioner	Reviewed By:
Department:	Planning	DV 8.19.25 Budget Director
Date:	8/19/25	Date: 8 30 25

Capital Project Fact Sheet Form

	J		20.5 0 80							
Project ID: * BPL1A					al .	Fact She 07/15/2	et Date: * 2025			
Fact Sheet Y 2025	ear*		Project Ti HOUSING FUND II	tle:* G IMPLEMEI	NOITATION	Legislati	ive District II	D:		
2025			LOND II			17				
Category * BUILDINGS MISCELLAN			Departme PLANNIN			Unique I 3003	Identifier			
This project previously municipalit sewer, road	funded unde ies with fund I and site im	the funding er BPL01. H ds for public aprovements	IF is a union infrastruction in the second i	que housing ture and im o facilitate t	incentive provements the construction	ing Impleme program esta such as wai tion or rehal ject to a Cap	iblished to p ter, sanitary pilitation of	provide and storm		
Best Man	agement		☐ Energy	Efficiencies		☐ Infrasti	ructure			
Life Safety			Project Labor Agreement			Revenu	Revenue			
Security			✓ Other			Other Det	Other Details			
Five Ye	ar Capita	l Progran	n (in The	ousands)		Turn Salara				
	Estimate d Ultimate Total Cost	Prior Appropri ation	2025	2026	2027	2028	2029	Under Review		
Gross	86,060	86,060	0	0	0	0	0	0		
Less Non- County Shares	0	0	0	0	0	0	0	0		
Net	86,060	86,060	0	0	0	0	0	0		

Expended Obligated Amount (in thousands) 32,056

ordable AFFH	uest / Description: ested to provide fundin apartment building at on-site for residents.	g for certain infrastructure improvements for 632-636 South Broadway in the City of Yon	or a 160 unit 100% kers. 146 Parking spa
inancing P	lan for Current R	equest:	
ond/Notes:	4,050,000		
Cash:	0		
lon-county hares:	0		
otal:	4,050,000		
ount Requeste 50,000			
	JANES - A.		
PU	Description	Amount	Years
PU	Description sign Work Provide		Years

Comments

The County will enter into an Inter-Municipal/Developer Agreement with the City of Yonkers, and Macquesten Development LLC, its successors or assigns (the "Developer") to finance eligible infrastructure improvements associated with multi-family development to be constructed at 632-636 South Broadway in the City of Yonkers (the "City"), identified on the tax maps as Section 1, Block 29, Lot 1 (the "Property"). The City will be responsible for operation and maintenance of the infrastructure and the County shall own the infrastructure improvements for the life of the County bonds. The developer will construct a sixteen-story building with 160 apartments all of which will affirmatively furthering fair housing (the "Affordable AFFH Units") which will be affordable to households who earn at or below 50% and up to 80% of Westchester County's Area Median Income.

The building will have two elevators and residential amenities such as a fitness center, an onsite management office, a resident lounge, bicycle storage and laundry facilities. The building will have 7 studios, 69 one-bedroom, 64 two-bedroom, and 20 three-bedroom apartments and 146 on-site parking spaces reserved for residents.

A total of \$4,050,000 will finance the construction of infrastructure improvements that may include but will not be limited to: new ramps, concrete flooring, drainage, electrical systems, fire suppression systems, signage, landscaping, waterproofing, construction management and County administrative costs.

A deed restriction will be filed against the Property to require that the Affordable AFFH Units be marketed and leased in accordance with an approved affirmative fair housing marketing plan to eligible households for a period of not less than 50 years.

Energy Efficiencies:

THE BUILDING WILL BE CONSTRUCTED WITH ENERGY EFFICIENT APPLIANCES, LIGHTING, HEATING AND COOLING SYSTEMS, WATER CONSERVING FIXTURES. THE BUILDING WILL ALSO INCORPORATE THE USE OF HIGH PERFORMANCE ENVELOPE INSULATION AND AIR SEALING. WILL ALSO INCLUDE

Appropriation Year	Amount	Description
2014	5,000,000	PUBLIC INFRASTRUCTURE IMPROVEMENTS
2015	3,000,000	PUBLIC INFRASTRUCTURE IMPROVEMENTS
2016	2,500,000	PUBLIC INFRASTRUCTURE IMPROVEMENTS
2017	3,500,000	GREENBURGH MANHATTAN AVE REDEVELOPMENT SENIOR HOUSING - \$1,000,000; CONTINUATION OF THIS PROJECT -\$2,500,000
2018	4,150,000	CONTINUATION OF THIS PROJECT.
2019	5,910,000	CONTINUATION OF THIS PROJECT
2020	10,000,000	CONTINUATION OF THIS PROJECT
2021	12,000,000	CONTINUATION OF THIS PROJECT \$10,000,000; INFRASTRUCTURE BROADBAND \$2,000,000
2022	25,000,000	CONTINUATION OF THIS PROJECT
2023	15,000,000	CONTINUATION OF THIS PROJECT

Total Appropriation History 86,060,000

	Bond	History	Issued	
Year	Act#	Amount	Amount	Description
15	164	0	0	INFRASTRUCTURE IMPROVEMENTS AT 16 ROUTE 6 IN TOWN OF SOMERS
15	170	2,400,000	2,399,394	FAH DEVELOPMENT AT 150 NORTH STREET AND THEODORE FREMD AVE IN CITY OF RYE
15	206	500,000	494,505	147, 165 AND 175 RAILROAD AVENUE, BEDFORD HILLS INFRASTRUCTURE IMPROVEMENTS
17	174	2,250,000	2,222,696	CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS TO 1847 CROMPOND ROAD PEEKSKILL
17	210	0	0	CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS AT 501 BROADWAY IN VILLAGE OF BUCHANAN
18	84	2,400,000	2,110,035	CONSTRUCTION OF CERTAIN PUBLIC INFRASTRUCTION IMPROVEMENTS IN SUPPORT OF HIDDEN MEADOWS DEVELOPMENT
18	156	0	0	CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS FOR DEVELOPMENT OF AFFORDABLE HOUSING IN NEW ROCHELLE
18	188	1,300,000	1,155,841	INFRASTRUCTURE ASSOCATED WITH CONSTRUCTION OF AFFORDABLE UNITS AT 25 SOUT REGENT ST IN PORT CHESTER
18	183	4,400,000	4,147,688	INFRASTRUCTURE ASSOCIATED WITH AFFORDABLE HOUSING AT 135 S. LEXINGTON AVE IN WHITE PLAINS
19	72	0	0	RESCINDING ACT NO. 156-2018, INFRASTRUCTURE IMPROVEMENTS IN NEW ROCHELLE
19	180	0	0	RESCINDS BOND ACT 210-2017
19	179	2,500,000	0	CONSTRUCTION OF AFFORDABLE RENTAL UNITS AT 11 GRADEN STREET, NEW ROCHELLE
19	152	5,760,000	5,760,004	CONSTRUCTION OF AFFORDABLE RENTAL UNITS AT 645 MAIN STREET IN PEEKSKILL
20	51	5,000,000	5,000,008	COST OF INFRASTRUCTURE IMPROVEMENTS OF AFFORDABLE HOUSING UNITS IN NEW ROCHELLE
20	97	5,000,000	3,829,041	COST OF INFRASTRUCTURE IMPROVEMENTS OF AFFORDABLE HOUSING UNITS IN YONKERS
20	201	2,500,000	0	INFRASTRUCTURE IMPROVEMENTS FOR AFFORDABLE HOUSING UNIT AT 48 MANHATTAN AVE., GREENBURG

Year	Bond Act #	Amount	Issued Amount	Description
22	28	3,500,000	1,704,823	AFFH AND HIF 23 MULBERRY STREET, YONKERS 60 RENTAL UNITS
23	147	5,555,000	0	HOUSING IMPLEMENTATION FUND II - 345 MCLEAN AVE YONKERS
23	58	2,750,000	0	HOUSING IMPLEMENTATION FUND II - 65 LAKE STREET WHITE PLAINS
24	145	8,134,000	0	

C	a	S	h	H	Î	S	t	0	ľ	У

Year	Amount	Description

Financing History Total 53,949,000

Recommended	By:

Department of Planning	Date	
MLLL	07/23/2025	
Department of Public Works	Date	
RJB4	07/23/2025	
Budget Department	Date	
DEV9	07/24/2025	
Requesting Department	Date	
MLLL	07/29/2025	



HOUSING IMPLEMENTATION FUND II (BPL1A)

User Department:

Planning

Managing Department(s):

Planning;

Estimated Completion Date:

TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029 Under Revi
Gross	86,060	86,060	32,047					
Non County Share			72					
Total	86,060	86,060	32,119					

Project Description

This project continues the funding for the Westchester County Housing Implementation Fund (HIF) previously funded under BPL01. HIF is a unique housing incentive program established to provide municipalities with funds for public infrastructure and improvements such as water, sanitary and storm sewer, road and site improvements needed to facilitate the construction or rehabilitation of fair and affordable housing. This is a general fund, specific projects are subject to a Capital Budget Amendment.

Current Year Description

There is no current year request.

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

Appropriation	History		
Year	Amount	Description	Status
2014	5,000,000	Public infrastructure improvements	COMPLETE
2015	3,000,000	Public infrastructure improvements	COMPLETE
2016	2,500,000	Public infrastructure improvements	COMPLETE
2017	3,500,000	Greenburgh Manhattan Ave Redevelopment Senior Housing - \$1,000,000; continuation of this project -\$2,500,000	COMPLETE
2018		Continuation of this project.	COMPLETE
2019	5,910,000	Continuation of this project	COMPLETE
2020	10,000,000	Continuation of this project	IN PROGRESS
2021	12,000,000	Continuation of this project \$10,000,000 ; Infrastructure Broadband \$2,000,000	IN PROGRESS
2022	25,000,000	Continuation of this project	\$8,000,000 IN PROGRESS; \$17,000,000 AWAITING BOND AUTHORIZATION
2023	15,000,000	Continuation of this project	AWAITING BOND AUTHORIZATION
Total	86,060,000		

HOUSING IMPLEMENTATION FUND II (BPL1A)

Prior Appropriations			
	Appropriated	Collected	Uncollected
Bond Proceeds	86,060,000	26,648,042	59,411,958
Others		(71,958)	71,958
Total	86,060,000	26,576,084	59,483,916

			d	horize	Bonds Aut
Balance	Amount Sold	Date Sold	Amount	ct	Bond A
				15	164
605	1,053,460	12/15/17	2,400,000	15	170
	193,426	12/15/17			
	1,634	12/15/17			
	551,30 9	12/10/18			
	271,876	12/10/19			
	53,689	12/10/19			
	249,231	12/01/22			
	24,769	12/01/22			
5,494	262,311	12/15/17	500,000	15	206
	48,163	12/15/17			
	407	12/15/17			
	183,625	12/10/18			
27,303	24,138	12/10/18	2,250,000	17	174
	127,644	12/10/19			
	25,207	12/10/19			
	192,926	04/30/20			
	985,486	10/28/20			
	138,079	10/28/20			
	38,077	10/28/20			
	(38,077)	10/28/20			
	445,116	12/01/21			
	258,419	12/01/22			
	25,682	12/01/22			
				17	210
437,986	270,781	12/10/19	2,400,000	18	84
	53,472	12/10/19			
	560,358	04/30/20			
	389,869	10/28/20			
	54,626	10/28/20			
	15,064	10/28/20			
	(15,064)	10/28/20			
	632,909	12/01/21			

HOUSING IMPLEMENTATION FUND II (BPL1A)

					10000
	e e				
				18	156
144,159	27,188	04/30/20	1,300,000	18	188
	487,032	10/28/20			
	68,239	10/28/20			
	18,818	10/28/20			
	294,989	12/01/21			
	207,794	12/01/22			
	20,651	12/01/22			
	28,340	11/30/23			
a policy and a second s	2,792	11/30/23			
399,018	1,765,006	12/01/21	4,400,000	18	183
	1,282,442	12/01/22			
	127,450	12/01/22			
	752,011	11/30/23			
	74,073	11/30/23			
				19	72
(5)	2,419,574	12/01/21	5,760,000	19	152
	2,776,495	12/01/22			
	275,931	12/01/22			
	262,180	11/30/23			
	25,825	11/30/23			
2,500,000			2,500,000	19	179
				19	180
(9)	148,675	12/01/21	5,000,000	20	51
	3,943,713	12/01/22			
	391,930	12/01/22			
	469,449	11/30/23			
	46,241	11/30/23			
1,641,751	43,723	12/01/21	5,000,000	20	97
	1,122,890	12/01/22			
	111,594	12/01/22			
	1,893,528	11/30/23			
	186,513	11/30/23			
2,500,000			2,500,000	20	201

HOUSING IMPLEMENTATION FUND II (BPL1A)

To	tal	53,949,000		26,594,902	27,354,098
145	24	8,134,000			8,134,000
147	23	5,555,000			5,555,000
58	23	2,750,000			2,750,000
			11/30/23	21,628	
28	22	3,500,000	11/30/23	219,576	3,258,796

ACT NO. - 2025

AN ACT authorizing the County of Westchester (the "County") to enter into an inter-municipal developer agreement with the City of Yonkers and Macquesten Development, LLC, its successors or assigns, or any entity created to carry out the purposes of the transaction in order to fund certain infrastructure improvements and authorizing the County to grant and accept any property rights necessary in furtherance thereof, all for the purpose of constructing 160 affordable rental units that will affirmatively further fair housing at 632-636 South Broadway in the City of Yonkers and remain affordable for a period of not less than 50 years.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. The County of Westchester (the "County") is hereby authorized to enter into an inter-municipal developer agreement (the "IMDA") with the City of Yonkers and Macquesten Development, LLC (the "Developer"), its successors or assigns or any entity created to carry out the purposes of the transaction in order to finance the construction of a portion of the infrastructure improvements associated with the construction of 146 parking spaces and will include, but not be limited to, new ramps, concrete flooring, drainage, electrical systems, fire suppression systems, signage, landscaping, waterproofing, construction management and County administrative costs (the "Infrastructure Improvements") in support of 160 affordable rental units (the "Affordable AFFH Units") which will affirmatively further fair housing ("AFFH") at 632-636 South Broadway in the City of Yonkers, as part of the County's program to ensure the development of new affordable housing. The term of the IMDA will be fifteen (15) years and the County will contribute an amount not to exceed FOUR MILLION FIFTY THOUSAND (\$4,050,000) DOLLARS to finance a portion of the Infrastructure Improvements. The County will have an ownership interest in the Infrastructure Improvements through an easement for a term of fifteen (15) years and will provide that the City of Yonkers, the Developer, its successors or assigns, will be responsible for any and all costs of operation and maintenance of the Infrastructure Improvements.

- §2. The IMDA shall require the Developer, its successors or assigns, or any entity created to carry out the purposes of the transaction, as a condition of the County's financing a portion of the Infrastructure Improvements, to record a declaration of restrictive covenants, approved and enforceable by the County, which shall run with the land and bind the property and any successor(s) in interest and will require that the Affordable AFFH Units be maintained and marketed in accordance thereto for a period of not less than fifty (50) years.
- §3. The period of affordability of the Affordable AFFH Units shall be a minimum of fifty (50) years.
- **§4.** The County is hereby authorized to grant and accept any property rights necessary in furtherance of the IMDA and the Affordable AFFH Units.
- §5. The County Executive or his duly authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.
 - **§6.** This Act shall take effect immediately.



Kenneth W. Jenkins County Executive

September 4, 2025

Westchester County Board of Legislators 800 Michaelian Office Building White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review are the following Acts and Local Law, which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") as follows:

- (i) 2025 Capital Budget Amendment. An Act to amend the County's 2025 Capital Budget to add an appropriation for Capital Project BPL46 Glenview Mansion Improvements in the amount of One Million, One Hundred Forty-Three Thousand (\$1,143,000) Dollars (the "Capital Budget Amendment").
- (ii) <u>Bond Act.</u> A proposed Bond Act (the "Bond Act") in the total amount of One Million, One Hundred Forty-Three Thousand (\$1,143,000) Dollars to finance Capital Project BPL46. The proposed Bond Act is necessary to finance the costs of improvements to the Glenview Historic home in Yonkers, New York, including mechanical, electrical, plumbing and fire and safety system improvements and roof, masonry, windows and door improvements and replacements.
- (iii) Local Law to Authorize a Third Amendment to the Intermunicipal Agreement with the City of Yonkers. A proposed local law (the "Local Law") which would authorize the County to enter into a third amendment (the "Third Amendment") to the Intermunicipal Agreement ("IMA"), as amended, with the City of Yonkers (the "City") to amend the County's contribution for the Hudson River Museum Component of the Revised JFK Project by \$227,924.28 from \$6,200,000 to \$6,427,924.28, increase the City's contribution for the Hudson River Museum Component of the Revised JFK Project by \$1,691,352.59 from \$5,453,000 to \$7,144,352.59 and increase the total cost for the Hudson River Museum Component of the Revised JFK Project by \$1,919,276.87 from \$12,283,000 to \$14,202,276.87.

Office of the County Executive

Michaelian Office Building 148 Martine Avenue White Plains, New York 10601

Email: CE@westchestergov.com Telephone: (914) 995-2900

Email: ceo@westchestercountyny.gov

The Original Agreement.

By Act 59-2008 duly adopted on April 28, 2008, your Honorable Board authorized the County to enter into the IMA with the City whereby the County agreed to, *inter alia*:

- (i) Provide funding to the City for the design of a new amphitheater, parking structure and improvements to JFK Memorial Drive (the "JFK Project");
- (ii) Design at the County's cost and expense of a portion of the County's Riverwalk trailway (the "Riverwalk Project"); and
- (iii) Bond up to Eight Hundred Thousand (\$800,000) Dollars for the design and permitting of the JFK Project and Two Hundred Thousand (\$200,000) Dollars for the design of Riverwalk Project.

By Act No. 56-2008 duly adopted on April 28, 2008, your Honorable Board authorized an Amendment to the County's 2008 Capital Budget to increase the appropriation for the JFK Project by Seven Million, Five Hundred Thousand (\$7,500,000) Dollars.

By Bond Act No. 57-2008 duly adopted on April 28, 2008, your Honorable Board authorized the County to issue Eight Hundred Thousand (\$800,000) Dollars in bonds of the County to finance the first phase of the JFK Project whereby the County would finance the City's design and permitting of the JFK Project.

By Bond Act No. 58-2008 duly adopted on April 28, 2008, your Honorable Board authorized the County to issue Two Hundred Thousand (\$200,000) Dollars in bonds of the County to finance the design of the Riverwalk Project.

The IMA was duly executed between the County and the City on or about December 16, 2008.

The First Amendment.

By Local Law No. 15-2010 duly adopted on September 7, 2010, your Honorable Board authorized the County to amend the IMA with the City (the "First Amendment") to, *inter alia*:

- (i) provide the City with additional funding in the amount of Six Million, Seven Hundred Thousand (\$6,700,000) Dollars for construction costs for the JFK Project for a total amount not to exceed Seven Million, Five Hundred Thousand (\$7,500,000) Dollars including the previously approved design costs;
- (ii) take away the City's obligation to construct the Riverwalk Project and reassign said obligation to the County;
- (iii) construct the Riverwalk Project at an anticipated total amount not to exceed of One Million (\$1,000,000) dollars, which included Two Hundred Thousand (\$200,000) Dollars in previous design funding;

- (iv) require the Projects be available to all Westchester County residents, and the fees charged for use of any part of the Projects to non-residents of the City not exceed double the fees charged to the City's residents; and
- (v) incorporate a lease of the City-owned property located along the northern portion of the City's waterfront at and adjacent to Trevor Park and the JFK Marina (the "Property") and authorize the County to enter into said lease with the Municipality, whereby the Municipality would grant to the County the right to use and occupy the Property for the term of any bonds issued by the County.

By Bond Act No. 112-2010 duly adopted on September 7, 2010, your Honorable Board authorized the County to amend Bond Act No. 57-2008 to increase the initial amount authorized by Six Million, Seven Hundred Thousand (\$6,700,000) Dollars in bonds of the County to finance the construction of the JFK Project for a total authorized amount, as amended, of Seven Million, Five Hundred Thousand (\$7,500,000) Dollars.

By Bond Act No. 113-2010 duly adopted on September 7, 2010, your Honorable Board authorized the County to amend Bond Act 58-2008 to increase the initial amount authorized by Eight Hundred Thousand (\$800,000) Dollars in bonds of the County to finance construction of the Riverwalk Project for a total authorized amount, as amended, of One Million (\$1,000,000) Dollars.

The First Amendment to the IMA was duly executed between the County and the City on or about April 12, 2011.

Under the First Amendment, the new amphitheater was successfully constructed. The parking structure, road improvements and Riverwalk Project did not go forward.

The Second Amendment.

By Local Law No. 2019-9 duly adopted on September 16, 2019, your Honorable Board authorized the County to further amend the IMA with the City (the "Second Amendment") to, *inter alia*:

- (i) remove the construction of the parking structure by the City;
- (ii) remove the design and construction of the road improvements to the JFK Memorial Drive by the City;
- (iii) add that the City would undertake improvements to the Hudson River Museum in Yonkers, including expansion of the Museum's west wing for additional exhibition gallery space, storage space and a 50 to 125-seat theater. Improvements would also be made to the existing museum building, planetarium and Glenview Historic home, including mechanical, electrical, plumbing and fire and safety system improvements, roof, masonry, windows and door improvements and replacements ("Hudson River Museum Component") with the Hudson River Museum Component to be undertaken in two (2)

phases. Phase 1 being the "Museum Structure Subcomponent," and Phase 2 being the "Glenview Structure Subcomponent."

(collectively, (i) through (iii) referred to as the "Revised JFK Project");

- (iv) provide funding to the City for the design and construction of the Hudson River Museum Component up to a total amount not to exceed Six Million, Two Hundred Thousand (\$6,200,000) with the City agreeing to fund a portion of the cost of the Hudson River Museum Component in the amount of Five Million, Four Hundred Fifty-Three Thousand (\$5,453,000) Dollars, and the City being responsible to obtain funding from the State of New York to fund a portion of the cost of the Hudson River Museum Component in the amount of Six Hundred Thirty Thousand (\$630,000) Dollars, for a total budgeted amount for the Revised JFK Project, when added to the amount of Six Million, Two Hundred Thousand (\$6,200,000) Dollars in funds being provided by the County, of Twelve Million, Two Hundred Eighty-Three Thousand (\$12,283,000) Dollars.
- (v) remove the design and construction of the Riverwalk Project by the County and all obligations on the part of the County to finance or fund any portion of the JFK Project and the Riverwalk Project;
- (vi) require the facilities under the Revised JFK Project be open to all Westchester County residents and any fees charged to non-residents, including any admission fees for the Hudson River Museum, not exceed the fees charged to the City's residents; and
- (vii) extend the term of the County's lease of the Property for at least the term of the County bonds issued in connection with the Hudson River Museum Component.

By Act No. 2019-157 duly adopted on September 16, 2019, your Honorable Board authorized an Amendment to the County's 2019 Capital Budget to increase the appropriation for BPL32 – Yonkers Waterfront Plan, Phase II by Six Million, Two Hundred Thousand (\$6,200,000) Dollars.

By Bond Act No. 2019-158 duly adopted on September 16, 2019, your Honorable Board authorized the County to issue Six Million, Two Hundred Thousand (\$6,200,000) Dollars in bonds of the County to finance Capital Project BPL32 – Yonkers Waterfront Plan, Phase II.

The Second Amendment to the IMA was duly executed between the County and the City on or about October 23, 2019.

The Museum Structure Subcomponent was completed under the Second Amendment.

The Proposed Third Amendment.

I have been advised that the cost of the Museum Structure Subcomponent exceeded the budget set forth in the Second Amendment. As a result, the County's contribution increased by \$227,924.28 from \$5,057,250 to \$5,285,174.28, and the City's contribution increased by \$841,352.59 from \$5,453,000 to \$6,294,252.59. The contribution from the State of New York remained the same.

I have been further advised that the Glenview Structure Subcomponent has not been completed and as such, the City' contribution for Glenview Structure Subcomponent will increase by \$850,000 from \$0.00 to \$850,000, and the County's contribution for the Glenview Structure Subcomponent will remain the same at \$1,142,750.

These above changes will result in a total increase in the Hudson River Museum Component of the Revised JFK Project by \$1,919,276.87, from \$12,283,00 to \$14,202,276.87, comprised of an increase in the County's contribution by \$227,924.28 from \$6,200,000 to \$6,427,924.28 and an increase in the City's contribution by \$1,691,352.59 from \$5,453,000 to \$7,144,352.59 with the State contribution remaining the same.

Accordingly, both the County and the City desire to enter into the proposed Third Amendment to the IMA (the "Third Amendment") to modify the budget for the Hudson River Museum Component as follows:

- (i) amend the County's contribution for the Hudson River Museum Component of the Revised JFK Project from \$6,200,000 to \$6,427,924.28;
- (ii) amend the City's contribution for the Hudson River Museum Component of the Revised JFK Project from \$5,453,000 to \$7,144,352.59;
- (iii) amend the total project costs for the Hudson River Museum Component of the Revised JFK Project from \$12,283,000 to \$14,202,276.87; and
- (iv) extend the term of the lease of the Property for the life of any County bonds issued to finance capital project BPL46 Glenview Mansion Improvements.

In addition, BPL32 was inadvertently closed as a capital project from the County's Capital Budget. Accordingly, a new Capital Project for the Glenview Structure Subcomponent in the amount of \$1,143,000 is needed and authorized through the 2025 Capital Budget Amendment submitted herein.

Attached for your Honorable Board's consideration is a Local Law which, if adopted, would authorize the County to enter into the aforementioned Third Amendment to the IMA, as amended, with the City.

As your Honorable Board is aware, Section 209.141 of the Laws of Westchester County requires a public hearing. Attached hereto is a resolution (the "Public Hearing Resolution"), which will set the time and date for the public hearing.

In addition, Section 167.131 of the Laws of Westchester County mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Department of Planning has advised that the Planning Board adopted a resolution

amending its Planning Board report to add the new capital project BPL46 – Glenview Mansion Improvements. A copy of the Planning Board report is attached hereto.

Based on the importance of this project to the County, favorable action on the proposed Capital Budget Amendment, Bond Act and Local Law is most respectfully requested.

Sincerely,

Kenneth W. Jenkins County Executive

KWJ/ran Attachment

HONORABLE BOARD OF LEGISLATORS THE COUNTY OF WESTCHESTER, NEW YORK

Your Committee is in receipt of a communication from the County Executive recommending the enactment of the following Acts and Local Law:

- (i) 2025 Capital Budget Amendment. An Act to amend the County's 2025 Capital Budget to add an appropriation for Capital Project BPL46 Glenview Mansion Improvements in the amount of One Million, One Hundred Forty-Three Thousand (\$1,143,000) Dollars (the "Capital Budget Amendment").
- (ii) <u>Bond Act.</u> A proposed Bond Act (the "Bond Act") prepared by Harris Beach PLLC in the total amount of One Million, One Hundred Forty-Three Thousand (\$1,143,000) Dollars to finance Capital Project BPL46. The proposed Bond Act is necessary to finance the costs of improvements to the Glenview Historic home in Yonkers, New York, including mechanical, electrical, plumbing and fire and safety system improvements and roof, masonry, windows and door improvements and replacements.
- (iii) Local Law to Authorize a Third Amendment to the Intermunicipal Agreement with the City of Yonkers. A proposed local law (the "Local Law") which would authorize the County to enter into a third amendment (the "Third Amendment") to the Intermunicipal Agreement ("IMA"), as amended, with the City of Yonkers (the "City") to amend the County's contribution to the Hudson River Museum component of the Revised JFK Project by \$227,924.28 from \$6,200,000 to \$6,427,924.28, increase the City's contribution by \$1,691,352.59 from \$5,453,000 to \$7,144,352.59 and increase the total cost for the Hudson River Museum Component by \$1,919,276.87 from \$12,283,000 to \$14,202,276.87.

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- (i) Provide funding to the City for the design of a new amphitheater, parking structure and improvements to JFK Memorial Drive (the "JFK Project");
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Your Committee further is advised that by Act No. 56-2008 duly adopted on April 28, 2008, your Honorable Board authorized an Amendment to the County's 2008 Capital Budget to increase the appropriation for the JFK Project by Seven Million, Five Hundred Thousand (\$7,500,000) Dollars.

Your Committee is advised that, by Bond Act No. 57-2008 duly adopted on April 28, 2008, your Honorable Board authorized the County to issue Eight Hundred Thousand (\$800,000) Dollars in bonds of the County to finance the first phase of the JFK Project whereby the County would finance the City's design and permitting of the JFK Project.

Your Committee is advised that, by Bond Act No. 58-2008 duly adopted on April 28, 2008, your Honorable Board authorized the County to issue Two Hundred Thousand (\$200,000) Dollars in bonds of the County to finance the design of the Riverwalk Project.

Your Committee is advised that, the IMA was duly executed between the County and the City on or about December 61, 2008.

The First Amendment.

Your Committee is advised that, by Local Law 15-2010 duly adopted on September 7, 2010, your Honorable Board authorized the County to amend the IMA with the City (the First Amendment') to, *inter alia*:

(i) provide the City with additional funding in the amount of Six Million, Seven Hundred Thousand (\$6,700,000) Dollars for construction costs for the JFK Project for a total

amount not to exceed Seven Million, Five Hundred Thousand (\$7,500,000) Dollars including the previously approved design costs;

- (ii) take away the City's obligation to construct the Riverwalk Project and reassign said obligation to the County;
- (iii) construct the Riverwalk Project at an anticipated total amount not to exceed of One Million (\$1,000,000) Dollars, which included Two Hundred Thousand (\$200,000) Dollars in previous design funding;
- (iv) require the Projects be available to all Westchester County residents, and the fees charged for use of any part of the Projects to non-residents of the City not exceed double the fees charged to the City's residents; and
- (v) incorporate a lease of the City owned-property located along the northern portion of the City's waterfront at and adjacent to Trevor Park and the JFK Marina (the "Property") and authorize the County to enter into said lease with the Municipality, whereby the Municipality would grant to the County the right to use and occupy the Property for the term of any bonds issued by the County.

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Your Committee is advised that, by Act No. 2019-157 duly adopted on September 16, 2019, your Honorable Board authorized an Amendment to the County's 2019 Capital Budget to increase the appropriation for BPL32 – Yonkers Waterfront Plan, Phase II by Six Million, Two Hundred Thousand (\$6,200,000) Dollars.

Your Committee is advised that, by Bond Act No. 2019-158 duly adopted on September 16, 2019, your Honorable Board authorized the County to issue Six Million, Two Hundred Thousand (\$6,200,000) Dollars in bonds of the County to finance Capital Project BPL32 – Yonkers Waterfront Plan, Phase II.

Your Committee is advised that, the Second Amendment was executed between the County and the City on or about October 23, 2019. The Museum Structure Component was completed under the Second Amendment.

The Proposed Third Amendment.

Your Committee is advised that the cost of the Museum Structure Component exceeded the budget set forth in the Second Amendment. As such, the County's contribution increased by \$227,924.28 from \$5,057,250 to \$5,285,174.28, and the City's contribution increased by \$841,352.59 from \$5,453,000 to \$6,294,252.59 with the State contribution remaining the same.

Your Committee is advised that the Glenview Structure Subcomponent has not been completed, and, as such, the City's contribution will increase by \$850,000 from \$0.00 to \$850,000, and the County's contribution for the Glenview Structure Subcomponent will remain the same at \$1,142,750.

Your Committee is advised that the above changes will result in a total increase in the Hudson River Museum Component of the Revised JFK Project by \$1,919,276.87 from \$12,283,000 to \$14,202,276.87 comprised of an increase in the County's contribution by

\$227,924.28 from \$6,200,000 to \$6,427,924.28 and an increase in the City's contribution by \$1,691,352.59 from \$5,453,000 to \$7,144,352.59 with the State's contribution remaining the same.

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- (iv) extend the term of the lease of the Property for the life of any bonds issued to finance capital project BPL46 Glenview Mansion Improvements.

Your Committee is advised that BPL32 was inadvertently closed as a capital project from the County's Capital Budget. Accordingly, a new Capital Project for the Glenview Structure Subcomponent in the amount of \$1,143,000 is needed and authorized through the 2025 Capital Budget Amendment submitted herewith.

Your Committee is advised that the proposed Local Law, if adopted, would authorize the County to enter into the aforementioned Third Amendment to the IMA, as amended, with the City.

As your Honorable Board is aware, Section 209.141 of the Laws of Westchester County requires a public hearing. Attached hereto is a resolution (the "Public Hearing Resolution"), which will set the time and date for the public hearing.

In addition, Section 167.131 of the Laws of Westchester County mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical

planning aspects of the project. The Department of Planning ("Planning Department") has

advised that the Planning Board adopted a resolution amending its Planning Board report to add

the new capital project BPL46 - Glenview Mansion Improvements. A copy of the Planning

Board's report is attached hereto.

Finally, as your Honorable Board is aware, no action may be taken with regard to the

proposed legislation until the requirements of the State Environmental Quality Review Act and

its implementing regulations, 6 NYCRR Part 617, ("SQER") have been met. The Planning

Department has advised your Committee that based on its review, the authorization of the

proposed Third Amendment and BPL46-Glenview Mansion Improvements may be classified as

a Type "II" action pursuant to the SEQR. Therefore, no environmental review is required. Your

Committee has reviewed the annexed SEQR documentation and concurs with this

recommendation.

It should be noted that the Public Hearing Resolution requires an affirmative vote of the

majority of your Honorable Board, while the Bond Act and Local Law require the affirmative

vote of two-thirds of the members of your Honorable Board.

Your Committee believes that the Revised JFK Project is in the best interest of the

County and, therefore, recommends the favorable action of your Honorable Board on the

annexed proposed legislation, noting that the Public Hearing Resolution must be passed and the

public hearing held in advance of adoption of the Bond Act and the Local Law.

Dated:

, 2025

White Plains, New York

COMMITTEE ON

ran.9.4.2025

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FISCAL IMPACT STATEMENT

CAPITAL PROJECT	#:BPL46	NO FISCAL IMPACT PROJECTED						
	SECTION A - CAPITAL BU							
To Be Completed by Budget								
X GENERAL FUN	AIRPORT FUND	SPECIAL DISTRICTS FUND						
	Source of County Funds (check one):	Current Appropriations						
		X Capital Budget Amendment						
	SECTION B - BONDING AU	THORIZATIONIC						
s	To Be Completed by	4 manus 25 manus 11 - 12 Filmin 1917 - 1919 - 1778						
Total Principa	al \$ 1,143,000 PPU	15 Anticipated Interest Rate 3.47%						
Anticipated A	nnual Cost (Principal and Interest):	\$ 99,454						
Total Debt Se	rvice (Annual Cost x Term):	\$ 1,491,810						
Finance Depa	rtment: Interest rates from September	er 4, 2025 Bond Buyer - ASBA						
	SECTION C - IMPACT ON OPERATING BUD							
	To Be Completed by Submitting Departm	ent and Reviewed by Budget						
Potential Rela	ated Expenses (Annual): \$	-						
Potential Rela	ated Revenues (Annual): \$	-						
Anticipated sa	avings to County and/or impact of departs	ment operations						
(describe in d	etail for current and next four years):							
2772								
	SECTION D - EMPLO	DVAGENIT						
Д	s per federal guidelines, each \$92,000 of a	10 100-000-000 C						
Number of Fu	ll Time Equivalent (FTE) Jobs Funded:	12						
Prepared by:	Susan Darling							
Title:	Chief Planner	Reviewed By:						
Department:	Planning	W9.5.25 Budget Director						
Date:	9/5/25	Date: 9/8/25						



TO:

Michelle Greenbaum, Senior Assistant County Attorney

Jeffrey Goldman, Senior Assistant County Attorney
Carla Chaves, Senior Assistant County Attorney
Maximilian Zorn, Assistant County Attorney

FROM:

David S. Kvinge, AICP, RLA, CFM

Assistant Commissioner

DATE:

August 27, 2025

SUBJECT:

STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:

BPL46 GLENVIEW MANSION IMPROVEMENTS

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on

<u>07/23/2025</u> (Unique ID: <u>2999</u>)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

• 617.5(c)(2): replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.

COMMENTS: None.

DSK/oav

cc: Andrew Ferris, Chief of Staff

Paula Friedman, Assistant to the County Executive

Lawrence Soule, Budget Director

Tami Altschiller, Assistant Chief Deputy County Attorney

Blanca P. Lopez, Commissioner of Planning

Dianne Vanadia, Associate Budget Director

Robert Abbamont, Director of Operations, Department of Public Works & Transportation

Susan Darling, Chief Planner

Michael Lipkin, Associate Planner

Claudia Maxwell, Principal Environmental Planner

BPL46 Glenview Mansion Improvements

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Approp- riated	2025	2026	2027	2028	2029	Under Review
Gross Less non-County	\$1,143							\$1,143
Shares Net	\$1,143							\$1,143

Project Description

This project is to fund the Glenview Mansion Improvements, in the City of Yonkers. The project will utilize funding from previously appropriated funds in BPL46 for the improvements to the Glenview Mansion at the Hudson River Museum in the City of Yonkers for \$1,143,000.

Appropriations/Requests

Under Review: \$1,143,000 for design and construction

Justification

The Glenview Mansion, an integral part of the Hudson River Museum, was built in 1877. The Glenview historic home requires significant repair and restoration to allow continued use and eliminate further deterioration. The Hudson River Museum and the Glenview Mansion are an important element in the revitalization of the Yonkers waterfront and serves residents from across Westchester County and the region. This project is consistent with *Westchester 2025* in that it will help support and protect a regional cultural resource, protect an historic property listed on the National Register of Historic Places and help in the revitalization of the Yonkers waterfront and downtown.

Consistency With Programs or Plans

The project is consistent with the policies of *Westchester 2025*, the County's long-range land use policies, and the 1999 Open Space Polices in that it supports open space preservation, provides opportunities for active and passive recreation, promotes open space linkages, preserves environmentally significant properties and helps preserve properties considered to be of historic significance.

Planning Board Analysis

PL2HP: The Planning Board supports this project to the historic Glenview Mansion. The Planning Board supports projects with the goal to keep parkland and historic facilities in a well-maintained state. Performing physical improvements on a priority basis reflects a comprehensive approach to undertaking capital improvements.

As per Westchester County policy, stormwater management must be addressed with every capital project. Designs should comply with the NYS Stormwater Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control.

As this site is on the National Register of Historic Places, it will be reviewed by the New York State Historic Preservation Office.

ACT No. 2025

An Act amending the 2025 County Capital Budget Appropriations for Capital Project BPL46 GLENVIEW MANSION IMPROVEMENTS

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025		Revised 2025		
	Appropriation	Change	Appropriation		
I. Appropriation		\$1,143,000	\$1,143,000		

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$0	\$1,143,000	\$1,143,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$0	\$1,143,000	\$1,143,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20_

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,143,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO THE GLENVIEW HISTORIC HOME IN THE CITY OF YONKERS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,143,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,143,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20___)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$1,143,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of improvements to the Glenview Historic Home in the City of Yonkers, including mechanical, electrical, boiler, plumbing, security and fire and safety system improvements, roof, masonry, and window and door improvements and replacements; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set

forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$1,143,000. The plan of financing includes the issuance of \$1,143,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the class of objects or purposes for which bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 12(a)(2) of the Law, is fifteen (15) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$1,143,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §\$50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and

contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 5. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

STATE OF NEW YORK)
	: ss.:
COUNTY OF WESTCHESTER)
I HEREBY CERTIFY t	hat I have compared the foregoing Act No20_ with
the original on file in my office, and that	the same is a correct transcript therefrom and of the whole
of the said original Act, which was duly	adopted by the County Board of Legislators of the County
of Westchester on , 20_ and ap	oproved by the County Executive on , 20
IN WITNESS WHEREC	DF, I have hereunto set my hand and affixed the corporate
	seal of said County Board of Legislators this day
	of , 20
	The Clerk and Chief Administrative Officer of the
(SEAL)	County Board of Legislators County of Westchester, New York

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Legislators on, 20_ and approved by the County Executive on	
and the validity of the obligations authorized by such Bond Act may be hereafter contested or obligations were authorized for an object or purpose for which the County of Westchester, in the New York, is not authorized to expend money or if the provisions of law which should have been with as of the date of publication of this Notice were not substantially complied with, and an act	nly if such he State of a complied ion, suit or
proceeding contesting such validity is commenced within twenty days after the publication of the or such obligations were authorized in violation of the provisions of the Constitution.	nis Notice,
Complete copies of the Bond Act summarized herewith shall be available for public during normal business hours at the Office of the Clerk of the Board of Legislators of the Westchester, New York, for a period of twenty days from the date of publication of this Notice.	
ACT NO20	
BOND ACT AUTHORIZING THE ISSUANCE OF \$1,143,000 BONDS OF THE COUNTY WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE TO FIME IMPROVEMENTS TO THE GLENVIEW HISTORIC HOME IN THE CITY OF YOU STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,143,000; STATING THE FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,143,000 BONDS AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20)	HE COST ONKERS; PLAN OF HEREIN
object or purpose: the improvements to the Glenview Historic Home in the City of Yonkers mechanical, electrical, boiler, plumbing, security and fire and safe improvements, roof, masonry, and window and door improvem replacements; all as set forth in the County's current year Capital I amended.	ty system nents and
amount of obligations to be issued: and period of probable usefulness: \$1,143,000; fifteen (15) years	
Dated:, 20 White Plains, New York	
Clerk and Chief Administrative Officer of the County	n Vad-

CAPITAL PROJECT FACT SHEET

Project ID:* BPL46	x CI	ВА			Fact Sheet 07-10-202:		17	
Fact Sheet Year:*	Proi	ect Title:*		1	Legislative	- District	ID.	
2025	GLE	NVIEW MANSION ROVEMENTS	Į		16	Digitie		
Category*	Depa	ırtment:*		(CP Unique	e ID:		
BUILDINGS, LAND & MISCELLANEOUS	PLA	NNING			2999			
Overall Project Description								
This project will fund improveme plumbing, security and fire and sa This project will fund architectura	fety system im	provements, roof, m	asonry, w	indows at	nd door im	nanical, ele provemen	ectrical, bo ts and rep	oiler, lacements.
■ Best Management Practices	□ En	ergy Efficiencies			Infrastru	cture		
☐ Life Safety	☐ Pro	oject Labor Agreem	ent		Revenue	ţ		
☐ Security	□ Oti	her						
FIVE-YEAR CAPITAL PROG	RAM (in thous	sands)						
	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	1,143	0	0	0	0	0	0	1,14,
Less Non-County Shares	0	0	0	0	0	0	0	(
Net	1,143	0	0	0	0	0	0	1,143
Current Bond Description: The Yonkers, including any mechanics masonry, windows and door impreconstruction management.	e bonding reque	est is for funds for in	rity and fi	ire and sat	fety systen	n improve	ments, roo	f.
 Financing Plan for Current Req	mest:							
Non-County Shares:	1444	\$ 0						
Bonds/Notes:		1,143,000						
Cash:		0						
Total:		\$ 1,143,000						
SEQR Classification: TYPE II							,	
Amount Requested: 1,143,000								
Expected Design Work Provider	r:							
County Staff	-	nsultant			Not App	licable		
Comments:								
Energy Efficiencies:								
Total Financing History:								

Recommended By:

Department of PlanningMLLL 07-23-2025

Department of Public WorksDateRJB407-29-2025

Budget DepartmentDateDEV908-01-2025

Requesting DepartmentMLLL 08-04-2025

RESOLUTION NO. - 2025

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. -2025 entitled "A LOCAL LAW authorizing the County of Westchester to enter into the Third Amendment to the intermunicipal agreement with the City of Yonkers concerning the Hudson River Museum Component of the Revised JFK Project to increase the County's contribution and the City's contribution for the Hudson River Component of the Revised JFK Project and extend the term of the lease from the City of the property, which is located along the northern portion of the City's waterfront at and adjacent to Trevor Park and the JFK Marina, for a period of at least the life of any County bonds issued to finance the capital project BPL46 - Glenview Mansion Improvements." The public hearing will be held at m. on the day of , 2025 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

LOCAL LAW NO. - 2025

A LOCAL LAW authorizing the County of Westchester to enter into the Amendment to the intermunicipal agreement with the City of Yonkers concerning the Hudson River Museum Component of the Revised JFK Project to increase the County's contribution and the City's contribution for the Hudson River Component of the Revised JFK Project and extend the term of the lease from the City of the property, which is located along the northern portion of the City's waterfront at and adjacent to Trevor Park and the JFK Marina, for a period of at least the life of any County bonds issued to finance the capital project BPL46 Glenview Mansion Improvements.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. The County of Westchester (the "County") is hereby authorized to further amend its intermunicipal agreement with the City of Yonkers (the "City"), dated December 16, 2008, as amended, (collectively the "IMA") whereby the parties agreed, *inter alia*, to revise the JFK Project to remove the parking structure and the road improvements for the JFK Memorial Drive and add funding for improvements to the Hudson River Museum, including an expansion of the Museum's west wing and improvements to the existing museum building, planetarium and Glenview Historic home ("Hudson River Museum Component"), (collectively referred to as the "Revised JFK Project"), located on City-owned property that is along the northern portion of the City's waterfront at and adjacent to Trevor Park and the JFK Marina (the "Property"), by

- (i) amending the County's contribution for the Hudson River Museum Component of the Revised JFK Project from \$6,200,000 to \$6,427,924.28;
- (ii) amending the City's obligation to fund the Hudson River Museum Component of the Revised JFK Project from \$5,453,000 to \$7,144,352.59, with the City continuing to obtain funding from the State of New York to fund a portion of the cost of the Revised JFK Project in the amount of \$630,000, for a new total amount for the Hudson River Component of the Revised JFK Project, when added to the amount of \$6,427,924.28 in funds being provided by the County, from \$12,283,000 to \$14,202,276.87; and
- (iii) extending the term of the lease from the City to use and occupy the Property for a period of at least the life any the County bonds issued to finance capital project BPL46 Glenview Mansion Improvements.
- §2. Pursuant to the Third Amendment, the County shall not be liable for any costs above \$6,427,924.28 in County bond funds and, in the event the costs for the Revised JFK Project exceeds \$6,427,924.28 in County bonds funds, the City shall be solely liable to pay said excess.

- §3. Except as otherwise provided herein, all other terms and conditions of the IMA shall remain unchanged.
- §4. The County Executive or his duly authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.
 - §5. This Local Law shall take effect immediately.



Kenneth W. Jenkins County Executive

July 23, 2025

Westchester County Board of Legislators 800 Michaelian Office Building White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act (the "Bond Act") which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to issue up to Four Hundred Fifty Thousand (\$450,000.00) Dollars in bonds of the County to finance a component of capital project BPL26 - Flood Mitigation ("BPL26"). Also attached is an Act authorizing an intermunicipal agreement ("IMA") with the Town of Greenburgh (the "Town") setting forth the terms of the flood mitigation project.

The Bond Act, in the amount of Four Hundred Fifty Thousand (\$450,000.00) Dollars, would fund up to 50% of the costs associated with Preliminary Engineering services that will develop proposed projects for flood mitigation in the Troublesome Brook and Manhattan Park Brook watersheds in the Town of Greenburgh, the Troublesome Brook identified as flood problem areas GRB-7 and GRB-16 and the Manhattan Park Brook identified as flood problem areas GRB-1, GRB-2 and GRB-3 in the Bronx River Stormwater Reconnaissance Plan. The analysis will take approximately six (6) months to complete.

The IMA will set forth the responsibilities of the County and the Town in connection with the project. In accordance with the IMA, the County and the Town will each provide up to fifty (50%) percent of the total cost of the project which is Eight Hundred Thirty-Five Thousand, Five Hundred (\$835,500.00) Dollars. The County will pay to the Town, on a reimbursement basis, an amount not to exceed Four Hundred Seventeen Thousand, Seven Hundred Fifty (\$417,750.00) Dollars. It should be noted that the Bond Act for \$450,000.00, also includes additional County costs for staff hours and administration of the project.

In 2011 your Honorable Board enacted the Westchester County Storm Water Management Law ("SWML") to assist municipalities with storm water management (flood mitigation). See Laws of Westchester County Chapter 241, Article III-A, Sections 241.252-241.260. The SWML provides for the evaluation of flooding within the County through preparation of watershed "reconnaissance plans", and the SWML authorizes County cooperation with municipalities, including funding assistance, to improve storm water management and reduce flooding.

By Act No. 124-2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Bronx River Watershed. Troublesome Brook and Manhattan Park Brook are identified as areas of recurring flooding in this plan. Criteria for funding stormwater management (flood mitigation) projects are also described in the plan, including discretionary fund policy requirements to affirmatively further fair housing. The IMA requires the Town to adopt regulations and policies consistent with the flood mitigation criteria in the Stormwater Reconnaissance Plan for the Bronx River Watershed.

It should be noted that your Honorable Board has previously authorized the County to issue bonds which have financed prior components of this project as set forth in the attached fact sheet.

It should be further noted that since BPL26 is a "general fund" project, specific components are subject to a Capital Budget Amendment. Section 1 of the Bond Act authorizes an amendment to the County's Capital Budget to the extent the project scope is inconsistent with any details set forth in the current Capital Budget. Accordingly, the Bond Act, in addition to authorizing the issuance of bonds for this project, will also amend the 2025 Capital Budget to reflect the specific location of this project component.

In addition, section 167.131 of the County Charter mandates that a Capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the Planning Board Report for BPL26 and the Planning Board resolution approving same are annexed.

Based upon the foregoing, I recommend the adoption of the aforementioned Bond Act as well as the Act authorizing the IMA.

Sincerely.

Kenneth W. Jenkin. County Executive

KWJ/ML/DK/cmc Attachments

Reference: BPL26 (Unique ID# 2943)

THE HONORABLE BOARD OF LEGISLATORS THE COUNTY OF WESTCHESTER

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the "Bond Act"), which if adopted, would authorize the County of Westchester (the "County") to issue up to \$450,000.00 in bonds to finance a component of capital project BPL26 - Flood Mitigation ("BPL26"). Also attached is an Act authorizing an intermunicipal agreement ("IMA") with the Town of Greenburgh (the "Town") setting forth the terms of the flood mitigation project.

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood LLP, would fund up to 50% of the costs associated with Preliminary Engineering services that will develop proposed projects for flood mitigation in the Troublesome Brook and Manhattan Park Brook watersheds in the Town of Greenburgh, the Troublesome Brook identified as flood problem areas GRB-7 and GRB-16 and the Manhattan Park Brook identified as flood problem areas GRB-1, GRB-2 and GRB-3 in the Bronx River Stormwater Reconnaissance Plan. The analysis will take approximately six (6) months to complete.

The IMA will set forth the responsibilities of the County and the Town in connection with the project. In accordance with the IMA, the County and the Town will each provide up to fifty (50%) percent of the total cost of the project which is Eight Hundred Thirty-Five Thousand, Five Hundred (\$835,500.00) Dollars. The County will pay to the Town, on a reimbursement basis, an amount not to exceed Four Hundred Seventeen Thousand, Seven Hundred Fifty (\$417,750.00) Dollars. It should be noted that the Bond Act for \$450,000.00, also includes additional County costs for staff hours and administration of the project.

Your Committee is advised that this Honorable Board enacted the Westchester County Storm Water Management Law ("SWML") in 2011 to assist municipalities with storm water management (flood mitigation). See Laws of Westchester County Chapter 241, Article III-A, Sections 241.252-241.260. The SWML provides for the evaluation of flooding within the County through preparation of watershed "reconnaissance plans", and the SWML authorizes

County cooperation with municipalities, including funding assistance, to improve storm water management and reduce flooding.

By Act No. 124-2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Bronx River Watershed. Troublesome Brook and Manhattan Park Brook are identified as areas of recurring flooding in this plan. Criteria for funding stormwater management (flood mitigation) projects are also described in the plan, including discretionary fund policy requirements to affirmatively further fair housing. The IMA requires the Town to adopt regulations and policies consistent with the flood mitigation criteria in the Stormwater Reconnaissance Plan for the Bronx River Watershed.

Your Committee notes that this Honorable Board has previously authorized the County to issue bonds which have financed prior components of this project as set forth in the attached fact sheet.

The Planning Department has advised your Committee that based on its review, the above referenced capital project may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQRA documentation and concurs with this recommendation.

Your Committee is further advised that since BPL26 is a "general fund" project, specific components are subject to a Capital Budget Amendment. Section 1 of the Bond Act authorizes an amendment to the County's Capital Budget to the extent the project scope is inconsistent with any details set forth in the current Capital Budget. Accordingly, the Bond Act, in addition to authorizing the issuance of bonds for this project, will also amend the 2025 Capital Budget to reflect the specific location of this project component.

In addition, section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the Planning Board Report for BPL26 and the Planning Board resolution approving same are annexed.

Please note that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act, while an affirmative vote of a majority of the voting strength of your Honorable Board is required to adopt the Act authorizing the IMA.

Based on the importance of this project to the County, your Committee recommends favorable action on the annexed Bond Act and Act authorizing the IMA.

Dated:

, 2025

White Plains, New York

COMMITTEE ON

C:cmc/7.17.25

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #	#:BPL26	NO FISCAL IMPACT PROJECTED						
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget								
X GENERAL FUND	D AIRPORT FUND	SPECIAL DISTRICTS FUND						
	Source of County Funds (check one):	X Current Appropriations						
		Capital Budget Amendment						
TROUBLESOME BRO	OOK AND MANHATTAN PARK BROOK, GI	REENBURGH						
	SECTION B - BONDING AU To Be Completed by	2940						
Total Principal	\$ 450,000 PPU	5 Anticipated Interest Rate 2.66%						
Anticipated An	nnual Cost (Principal and Interest):	\$ 97,386						
Total Debt Serv	vice (Annual Cost x Term):	\$ 486,930						
Finance Depart	tment: Interest rates from Munistat	Services 7/24/25 - ASBA						
Si	ECTION C - IMPACT ON OPERATING BUD To Be Completed by Submitting Department	ATTILLE SELECTION OF THE SELECTION OF TH						
	11 10	ant and keviewed by budget						
Potential Relat	ted Expenses (Annual): \$	-						
Potential Relat	ted Revenues (Annual): \$	•						
10.50	vings to County and/or impact of department	ment operations						
(describe in de	etail for current and next four years):							
£								
a <u></u>								
Ac	SECTION D - EMPLO							
	s per federal guidelines, each \$92,000 of a	ppropriation funds one FTE Job						
Number of Full	Time Equivalent (FTE) Jobs Funded:							
Prepared by:	Dianne Vanadia	2 0						
Title:	Associate Budget Director	Reviewed By: Moun langer						
Department:	Budget	NY 1174 MS Budget Director						
Date:	7/29/25	Date: 7/29/25						



TO: Michelle Greenbaum, Senior Assistant County Attorney

Jeffrey Goldman, Senior Assistant County Attorney
Carla Chaves, Senior Assistant County Attorney
Maximilian Zorn, Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM

Assistant Commissioner

DATE: July 15, 2025

SUBJECT: STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:

BPL26 FLOOD MITIGATION – TROUBLESOME BROOK AND MANHATTAN PARK BROOK WATERSHEDS, GREENBURGH

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on

05/29/2025 (Unique ID: 2943)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

• 617.5(c)(27): conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

COMMENTS: The current request is for a study and preliminary design only.

DSK/oav

cc: Andrew Ferris, Chief of Staff

Paula Friedman, Assistant to the County Executive

Lawrence Soule, Budget Director

Tami Altschiller, Assistant Chief Deputy County Attorney

Blanca P. Lopez, Commissioner of Planning

Dianne Vanadia, Associate Budget Director

Susan Darling, Chief Planner

Michael Lipkin, Associate Planner

Claudia Maxwell, Principal Environmental Planner

BPL26 Flood Mitigation

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appro-						Under
		priated	2022	2023	2024	2025	2026	Review
Gross	51,750	31,750		2000				20,000
Less non- County Shares								
Net	51,750	31,750					F0 80000	20,000

Project Description:

This project is intended to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County. This is a general fund, specific projects are subject to a Capital Budget Amendment.

The program enables Westchester County to partner with municipalities and other government agencies to provide funding for flood control or flood damage reduction projects. Through partnerships with municipalities and other government entities such as the U.S. Army Corps of Engineers and the New York State Department of Environmental Conservation, the County will work to reduce flooding problems and impacts on people and property throughout the county.

Two flood mitigation studies will be conducted addressing flood problem areas identified in the respective stormwater reconnaissance plans.

- Troublesome Brook and Manhattan Brook Flood Study; this project involves the preparation of an engineering study in two areas of the Town of Greenburgh—the Troublesome Brook and the Manhattan Brook. The study will identify potential solutions to alleviate recurring flooding in the areas, identified as Flood Problem Areas GRB-1, 2, 3, 7 &16 in the Stormwater Reconnaissance Plan for the Bronx River Watershed at a County cost not to exceed \$450,000. County staff will be reviewing the project scope and associated costs in more detail prior to execution of an IMA.
- 2) Peach Lake Flood Study; this project involves the preparation of an engineering study in the area of Peach Lake in the Town of North Salem. The study will identify potential solutions to alleviate recurring flooding, identified as Flood Problem Areas NSM-5 in the Stormwater Reconnaissance Plan for the Croton River and Inland Long Island Sound Watershed at a County cost not to exceed \$150,000. County staff will be reviewing the project scope and associated costs in more detail prior to execution of an IMA.

FUNDING REQUESTS:

- 2009: \$5,400,000 for the County contribution to flood mitigation projects in the Town of Mamaroneck (Gardens Lake), City of Rye/Village of Rye Brook (Blind Brook at Bowman Ave.), Village of Scarsdale (George Field Park, Cooper Green, Brewster Road and Butler Field) and the Village of Tarrytown (Loh Park neighborhood) and for the County contribution to the U.S Army Corps of Engineers' General Reevaluation Report (GRR) for the "Mamaroneck and Sheldrake Rivers Basin Flood Damage Reduction Study."
- 2018: \$70,000 for design of a flood mitigation plan for the Avon Circle area in the Village of Rye Brook.
- 2019: \$300,000 for a flood mitigation study along the Hutchinson River in Scarsdale, Eastchester and New Rochelle
 - \$1,000,000 for the replacement of the Hillside Avenue Bridge in the Village of Mamaroneck.
- 2021: 4,195,000 for five flood mitigation projects: 1) Grassy Sprain Reservoir Dam Outfall Improvements, City of Yonkers; 2) Decommissioning of the Upper Minkel Dam in the Town of New Castle; 3) replacement of Waverly Avenue Bridge, Town of Mamaroneck; 4) Paxton Avenue Flood Study, Village of Bronxville; 5) Peekskill-Hollow Brook Dam Rehabilitation, City of Peekskill

2022: \$3,800,000 for design and construction of flood mitigation at Avon Circle in the Village of Rye Brook

\$220,000 for flood mitigation study along the Pocantico River in Briarcliff Manor

\$130,000 for a flood mitigation study of the Gould Park-Pietro Place & Virginia Avenue Flood Study in Dobbs Ferry

\$450,000 for flood mitigation study of the Troublesome Brook and Manhattan Brook in the Town of Greenburgh

\$150,000 for a flood mitigation study of Peach Lake in the Town of North Salem

<u>JUSTIFICATION</u>: Westchester communities have been subject to flooding for decades. As development occurred, floodplains were filled and opportunities for flood storage were lost. Additional stormwater runoff was being generated from the newly created impervious surfaces. There has been an increase in the intensity of storms, resulting in greater volumes of water in a shorter period of time. With more water and fewer places for it to go, we experience flooding. Westchester County is committed to working with municipalities to address this serious problem.

<u>CONSISTENCY WITH PROGRAMS OR PLANS</u>: The project is consistent with the policies of <u>Westchester 2025</u>, the County's long-range land use policies, in that it will help "preserve and protect the county's natural resources and environment, both physical and biotic" and will help "safeguard Westchester from natural and manmade disasters."

Planning Board Analysis:

PL2: The Planning Board supports the County's participation in the above local flood mitigation projects for the following reasons:

- Municipal flood mitigation projects are expected to lessen the severity of flooding and/or reduce flood-related impacts on public and private properties.
- Municipal flood mitigation projects are expected to better protect the public's safety during flooding events.
- Several municipal flood mitigation projects are expected to provide secondary benefits, such as controlling polluted stormwater runoff and, therefore, improving water quality in the Long Island Sound and Hudson River watersheds.

RESOLUTION 22-_//

WESTCHESTER COUNTY PLANNING BOARD

Amendment of Planning Board Report on 2022 Capital Project Requests BPL26 Flood Mitigation

WHEREAS, the County of Westchester has established Capital Project BPL26 Flood Mitigation, a general fund, to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County; and

WHEREAS, the preparation of a study focused on developing solutions to flooding in the areas of the Troublesome Brook and Manhattan Brook in the Town of Greenburgh, identified as Flood Problem Areas GRB-1, 2, 3, 7 &16 in the Stormwater Reconnaissance Plan for the Bronx River Watershed; and

WHEREAS, the project has been reviewed and approved by the County Stormwater Advisory Board and will be subject to further detailed review by County staff; and

WHEREAS, the development of the plan will include consultation with the City of Yonkers, Village of Elmsford, and other neighboring municipalities, and any proposed solutions will not create or exacerbate flooding conditions in the City of Yonkers or elsewhere; and

WHEREAS, in furtherance of the above, the County Executive will be submitting legislation to the Board of Legislators to amend the Capital Project BPL26, Flood Mitigation, to add the project to Capital Project BPL26 and authorize bonding to fund up to 50% of eligible costs; and

WHEREAS, the project is consistent with the County Planning Board's long-range planning policies set forth in *Westchester 2025 - Policies to Guide County Planning*, in that it will help preserve and protect the County's natural resources and environment, both physical and biotic and will help mitigate the impacts of flooding; now therefore, be it

RESOLVED, that the County Planning Board, pursuant to Section 167.131 of the County Charter, amends its Report on the 2022 Capital Project Requests to include the Capital Project BPL26 Flood Mitigation proposed study to alleviate flooding in the areas of Troublesome Brook and Manhattan Brook in the Town of Greenburgh.

Adopted this 7th day of June 2022

REFERENCE: BPL26

ACT NO. -20

BOND ACT AUTHORIZING THE ISSUANCE OF \$450,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE COST OF PREPARATION OF PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR A FLOOD MITIGATION PROJECT IN THE TOWN OF GREENBURGH, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$450,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$450,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted , 20____)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, an Intermunicipal Agreement between the County and the Town of Greenburgh, and to the provisions of other laws applicable thereto; \$450,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the County's share of the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for

the planning of a flood mitigation project in the Troublesome Brook and Manhattan Park Brook watersheds in the Town of Greenburgh, as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of the County's share of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$450,000. The plan of financing includes the issuance of \$450,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of said specific object or purpose, within the limitations of Section 11.00 a. 62 (2nd) of the Law, is five (5) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$450,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$450,000 as the estimated maximum cost of the aforesaid specific object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes

or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

STATE OF NEW YORK)	
	: S	SS.:
COUNTY OF NEW YORK)	
with the original on file in my of the whole of the said original Act	fice, and th t, which w	have compared the foregoing Act No20hat the same is a correct transcript therefrom and of ras duly adopted by the County Board of Legislators 20 and approved by the County Executive
IN WITNESS WE	HEREOF,	I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this day of , 20
(SEAL)		The Clerk and Chief Administrative Office of the County Board of Legislators County of Westchester, New York

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board	lof
egislators on, 20 and approved by the County Executive, 20 and the validity of the obligations authorized by such Bond Act may	on
, 20 and the validity of the obligations authorized by such Bond Act may	be
ereafter contested only if such obligations were authorized for an object or purpose for which	the
County of Westchester, in the State of New York, is not authorized to expend money or if	the
rovisions of law which should have been complied with as of the date of publication of this Not	tice
vere not substantially complied with, and an action, suit or proceeding contesting such validity	y is
ommenced within twenty days after the publication of this Notice, or such obligations w	
uthorized in violation of the provisions of the Constitution.	
Complete copies of the Bond Act summarized herewith shall be available for pub	
aspection during normal business hours at the Office of the Clerk of the Board of Legislators of	
County of Westchester, New York, for a period of twenty days from the date of publication of t	his
Notice.	
ACT NO20	
SOND ACT AUTHORIZING THE ISSUANCE OF \$450,000 BONDS OF THE COUNTY	OF
VESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE T	HE
COUNTY'S SHARE OF THE COST OF PREPARATION OF PRELIMINARY AND DETAIL	ED
LANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR A FLOOD MITIGATION	NC
ROJECT IN THE TOWN OF GREENBURGH, STATING THE ESTIMATED MAXIMU	
COST THEREOF IS \$450,000; STATING THE PLAN OF FINANCING SAID COST INCLUD	
THE ISSUANCE OF \$450,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR	Α
AX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adoption of the principal of the pri	
Object or purpose: to finance the County's share of the cost of preparation of surve	- C
preliminary and detailed plans, specifications and estimates necessary for	
planning of a flood mitigation project in the Troublesome Brook a	
Manhattan Park Brook watersheds in the Town of Greenburgh; as set forth the County's Current Year Capital Budget, as amended.	. 111
the County's Current Teat Capital Budget, as amended.	
mount of obligations to be issued	
nd period of probable usefulness: \$450,000; five (5) years	
Pated:	
White Plains, New York	
Clerk and Chief Administrative Officer of the County Board	
of Legislators of the County of Westchester, New York	l .

ACT	NO.	2025 -	
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AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Town of Greenburgh in connection with a flood mitigation project (Capital Project BPL26, Unique ID# 2943).

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. The County of Westchester (the "County") is hereby authorized to enter into an intermunicipal agreement (the "IMA") with the Town of Greenburgh (the "Town") in connection with a flood mitigation project to be conducted in the Town to mitigate flooding in the area of Troublesome and Manhattan Park Brook.

- §2. The term of the IMA shall commence upon execution thereof by both parties and approval of same by the Office of the County Attorney, and shall continue for a period of five (5) years.
- §3. The County Executive or his authorized designee is empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.
 - §4. This Act shall take effect immediately.

COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601, (hereinafter referred to as the "County")

and

TOWN OF GREENBURGH, a municipal corporation of the State of New York, having an office and place of business at 177 Hillside Avenue, Greenburgh, New York 10607, (hereinafter referred to as the "Municipality").

RECITALS

WHEREAS, in response to serious flooding issues throughout Westchester County, in 2011 the County enacted the Westchester County Storm Water Management Law ("SWML") to assist municipalities with storm water management (flood mitigation). See Laws of Westchester County Chapter 241, Article III-A, Sections 241.252-241.260. The SWML provides for the evaluation of flooding within the County through preparation of watershed "reconnaissance plans", and the SWML authorizes County cooperation with municipalities, including funding assistance, to improve storm water management and reduce flooding. The SWML authorizes the creation of a Storm Water Advisory Board (the "SWAB") to assist County municipalities in addressing flooding; and

WHEREAS, the SWML enables the County to partner with municipalities located in Westchester to provide funding for flood mitigation and/or flood damage reduction projects; and

WHEREAS, the SWML funding program is divided into "Phase I" funding and "Phase II" funding; and

WHEREAS, Phase I funding is up to fifty (50) percent toward the costs for the preparation of detailed engineering analysis, design, specification and construction documents for flood mitigation and/or flood damage reduction projects; and

WHEREAS, Phase II funding is up to fifty (50) percent toward the costs for the implementation and construction of flood mitigation and/or flood damage reduction projects; and

WHEREAS, approval by the Board of Legislators for Phase I funding does not guarantee approval for Phase II funding; and

WHEREAS, the Municipality wishes to participate in the SWML funding program and has submitted an application to the County for Phase I financial assistance to address flooding problems within the Municipality; and

WHEREAS, a Storm Water Reconnaissance Plan has been prepared by the County departments of Planning and Public Works and Transportation pursuant to the SWML entitled the Stormwater Reconnaissance Plan for the Bronx River Watershed (the "Reconnaissance Plan"); and

WHEREAS, the Reconnaissance Plan was recommended by the SWAB to the County Executive and the Board of Legislators; and

WHEREAS, the Board of Legislators approved the Stormwater Reconnaissance Plan for the Bronx River Parkway on June 24, 2014 by Act No. 124 - 2014; and

WHEREAS, the area of flooding for which the Municipality wishes to participate in the SWML funding program is identified as a flood problem area in the Reconnaissance Plan; and

WHEREAS, pursuant to the SWML funding program and in an effort to protect County-owned and/or managed infrastructure, assets and property, including the protection of County bridges, sanitary sewer and/or storm water pipes, and County parkland and other municipal and private property, the County desires to contribute Phase I funding to the costs of a comprehensive engineering feasibility analysis towards the development of a flood mitigation project for the Troublesome Brook and Manhattan Park Brook watersheds in the Town of Greenburgh, the Troublesome Brook identified as flood problem areas GRB-7 and GRB-16 and the Manhattan Park Brook identified as flood problem areas GRB-1, GRB-2 and GRB-3 in the Bronx River Stormwater Reconnaissance Plan (the "Project"), and further described herein, to be undertaken by the Municipality; and

WHEREAS, the Municipality has prepared documentation in support of the need for the Project and the Project has been presented to and received support from the County Stormwater Advisory Board.

NOW, THEREFORE, in consideration of the mutual representations, covenants and agreements herein set forth, the County and the Municipality, each binding itself, its successors and assigns, do mutually promise, covenant and agree as follows:

ARTICLE I

TERM

Section 1.0. The recitals are hereby incorporated by reference into the body of this Agreement.

Section 1.1. The term of this Agreement shall be for a period of five (5) years commencing upon full execution as evidenced by the date on the top of page 1 of this Agreement.

ARTICLE II

TERMS OF PAYMENT AND MUNICIPALITY REPRESENTATIONS

Section 2.0. Pursuant to the County's SWML funding program and in an effort to protect County-owned and/or managed infrastructure, assets and property, including the protection of County bridges, sanitary sewer and/or stormwater pipes, and County parkland and other municipal and private property, the County desires at this time to contribute Phase I funding toward a comprehensive engineering feasibility analysis of the Project. The Project is owned by the Municipality and consists of flood mitigation and/or flood damage reduction work. The scope of work for this Phase I funding agreement is more fully described in Schedule "A", attached hereto and made a part hereof. In consideration for the County's aforesaid contribution, the Municipality represents that it shall complete the study of the Project in accordance with Schedule "A" and all of the other terms of this Agreement.

The County agrees to finance the study for the Project on a reimbursement basis. It is recognized and understood by the Municipality that at the time of execution of this Agreement, the County has obtained appropriations and bonding authority to fund its share of the cost of the study for the Project. Eligible project costs up to Eight Hundred Thirty-Five Thousand, Five Hundred (\$835,500.00) Dollars, shall be paid up to fifty (50) percent by the County (up to \$417,750.00) and fifty (50) percent by the Municipality; provided, however, should the total eligible project costs be less than \$835,000.00, the County shall only be responsible for fifty (50) percent of the lesser amount. The Municipality shall be responsible for all costs in relation to the Project that exceed the County's contribution set forth herein, and under no circumstances or conditions, whether now existing or hereafter arising, or whether beyond the present contemplation of the parties, shall the County be expected or required to make any payment of any kind whatsoever or be under any other obligation or liability hereunder in connection with this Project except as herein expressly set forth.

The County does not provide or extend any warranty of fitness for a particular purpose or workmanship for any work undertaken in connection with, or paid under, this Agreement. Payment hereunder by the County shall operate as a release to the County from any and all obligations or liabilities in connection herewith to the Municipality, its contractor(s), or subcontractor(s) hereunder.

Section 2.1. The Municipality represents that within one (1) year of the date hereof that the "Flood Mitigation Criteria" as set forth in that certain document entitled "Development and Planning Standards of the Westchester County Flood Action Task Force" developed by the SWAB and approved by the Board of Legislators will have been adopted in the Municipality's appropriate land use regulations, guidelines and policies or in stand-alone form, and documentation of the adoption of such policies must be provided to and approved by the Commissioner of the County Department of Planning ("Planning Commissioner"). It is understood and agreed to by the Municipality that the payment of County funds under this Agreement for the Project is contingent upon the Municipality's adoption of the aforesaid policies.

Section 2.2. The parties agree that all payments made by the County to the Municipality shall be on a reimbursement basis only. Any and all requests for payment to be made, including any request for partial payment upon completion of a portion of the Project, shall be submitted by the Municipality on an invoice and shall be paid only after approval by the Planning Commissioner and the Commissioner of the Westchester County Department of Public Works and Transportation ("DPWT Commissioner"). The Municipality agrees that it shall submit all documentation that the County may require to substantiate all requests for payment. All invoices submitted during each calendar year shall utilize consecutive numbering and be non-repeating. In no event shall a *final* payment be made to the Municipality prior to completion of the Project and the approval of same by the Planning Commissioner and DPWT Commissioner. If at any time the Municipality shall neglect or fail to perform properly any of its obligations under this Agreement, the County shall have the right to withhold, in whole or in part, any payments otherwise due or to become due to the Municipality hereunder until such neglect or failure shall have been remedied to the reasonable satisfaction of the County.

Section 2.3. The Municipality represents warrants and guarantees that:

(a) It is a municipal corporation duly organized, validly existing under the laws of the State of New York; the execution and performance of this Agreement by the Municipality has been duly

authorized by its governing body; this Agreement, and any other documents required to be delivered by the Municipality when so delivered, will constitute the legal, valid and binding obligations of the Municipality in accordance with their respective terms; and the Municipality will deliver to the County at the time of execution of this Agreement a resolution adopted by its governing body authorizing the execution of this Agreement, and any other documents required to be delivered by the Municipality, including the aforesaid Easement;

- (b) The person signing this Agreement on behalf of the Municipality has full authority to bind the Municipality to all of the terms and conditions of this Agreement pursuant to the resolution granting such authority by the Municipality's governing body, as noted above;
- (c) It is financially and technically qualified to perform its obligations hereunder, including without limitation, full implementation of the Project; and
- (d) The Municipality acknowledges that the County is acting in reliance on the above representations.

ARTICLE III MANAGEMENT OF THE PROJECT

Section 3.0. The Municipality shall be responsible for all engineering phases of the Project, including, but not limited to, any additional study or engineering necessary to fully comply with the requirements of the funding program, final engineering, specifications and designs. The Municipality shall submit any required documentation, including additional engineering or progress reports, to the DPWT Commissioner or his duly authorized representative and to the Planning Commissioner or her duly authorized designee for review, and said design plans and specifications shall be mutually approved by all parties. The Municipality shall fully complete the project tasks as set forth in Schedule "A" and submit proof of such completion to the County for its review and approval on or before eighteen (18) months from the date of the execution of this Agreement by all parties. Notwithstanding the foregoing, the parties may agree to a twelve (12) month extension of time for completion, subject to all necessary legal approvals for such extension of time. In the event that the Municipality fails to complete the scope of work set forth in Schedule "A" and submit proof of such completion to the County in a timely manner as set forth herein, including any twelve (12) month extension agreed to between the parties, it shall remit all funds disbursed hereunder to the County within thirty (30) days of receipt of written request

from the County unless an extension of time for completion is mutually agreed to between the parties, subject to all necessary legal approvals for said extension of time.

Section 3.1. In connection with the Project, the Municipality shall obtain all required approvals and permits and promptly execute and comply with all statutes, ordinances, rules, orders, regulations, codes and requirements of the Federal, State, County and municipal governments of the County. The Municipality shall also comply with any and all sanitary rules and regulations of the State and County Health Departments and with the State Environmental Quality Review Act. The Municipality shall comply with the aforementioned statutes, ordinances, rules, orders, regulations, codes and requirements in its implementation of the Project including, but not limited to management, operation, maintenance and supervision of same.

ARTICLE IV FAIR AND AFFORDABLE HOUSING CONDITIONS

<u>Section 4.0</u>. The Municipality hereby commits to the County that it is in compliance with the terms and conditions set forth in the County's Discretionary Funding Policy annexed hereto and forming a part hereof as Schedule "E" or has submitted documentation to the satisfaction of the County that the Municipality is not considered an eligible municipality under these requirements.

Section 4.1. As further consideration for the County's financial contribution toward the Project, the Municipality certifies that it has adopted municipal zoning code provisions and/or policies which reflect the guidance provided in the Model Ordinance Provisions and the Municipality is committed to affirmatively further fair housing, including a ban on local residency requirements and preferences and other selection preferences that do not affirmatively further fair housing, except to the extent provided in the Model Ordinance Provisions.

<u>Section 4.2.</u> The Municipality agrees to offer to the County a Right of First Refusal to retain and/or purchase any and all land acquired in rem to be used for housing that affirmatively furthers fair housing ("AFFH").

Section 4.3. The Municipality agrees to actively affirmatively further fair housing through its land use regulations and other affirmative measures to assist the development of affordable housing.

Section 4.4. The Municipality further agrees to market housing units that affirmatively further fair housing in accordance with Westchester County's Affirmative Fair Housing Marketing Plan throughout the period of affordability.

<u>Section 4.5.</u> Nothing in this Agreement is intended to affect the County's interest in the Project or release the Municipality from its obligations under the law with respect to affordable AFFH units.

<u>Section 4.6.</u> Should the Municipality fail to abide by any of the above conditions, the Municipality shall, upon thirty (30) days written notice by the County, refund any funds paid to the Municipality under this Agreement.

ARTICLE V ACCOUNTING

Section 5.0. The Municipality shall cause accurate records and books of account to be maintained in which shall be entered all matters relating to this Agreement, including all liabilities thereof and all expenditures, and payments to any and all contractors or subcontractors involved in the Project. Such books and records shall be maintained in accordance with generally accepted accounting principles, consistently applied and shall be kept at a location within Westchester County. The Municipality will provide the County with documentation, upon the County's request, in order to verify same. The County shall have the right to audit, inspect, examine and copy such books and records of the Municipality at all reasonable times during normal business hours at the office of the Municipality. The County's audit rights hereunder extend to all documents, reports, and records which relate to the Municipality's commitment to affirmatively further fair housing as described in Article IV herein.

ARTICLE VI NOTICES

Section 6.0. All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or delivered by hand or overnight courier, (with acknowledgement received and a copy of the notice sent by registered or certified mail, postage pre-paid), as set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt. Notices shall be sent to the following:

To the County: Commissioner

Department of Planning County of Westchester 148 Martine Avenue

White Plains, New York 1060

Commissioner

Department of Public Works and Transportation

County of Westchester 148 Martine Avenue

White Plains, New York 10601

with a copy to: County Attorney

County of Westchester 148 Martine Avenue

Room 600

White Plains, New York 10601

To the Municipality: Town Supervisor

Town of Greenburgh 177 Hillside Avenue

Greenburgh, New York 10607

with a copy to:

ARTICLE VII

INDEMNIFICATION

- Section 7.0. To the fullest extent permitted by law, the Municipality shall defend, indemnify and hold harmless the County, its elected officials, officers, employees and agents (the "Indemnitees") from and against, any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly from the Project, including any which may arise from a change in applicable laws, rules and regulations, that may be imposed upon or incurred by or asserted against any of the Indemnitees by reason of any of the following:
- (a) <u>Work</u>. Any construction, repair, alteration, addition, replacement, restoration or improvement work done by or on behalf of the Municipality in, on or about the Project or any part thereof;
- (b) <u>Use</u>. The use, occupation, condition, operation, maintenance, management, supervision or development of or providing security for all or any portion of the Project, or the affected portion thereof, by or on behalf of the Municipality, including without limitation, any liability with respect to the any violations imposed by any governmental authorities in respect of any of the foregoing;
- (c) Act or Failure to Act of Municipality. Any act performed by, or any failure to perform any act required to be performed by the Municipality, a third party under the direction or control of the Municipality, or any of the Municipality's officers, agents, contractors, servants, employees, lessees or invitees in connection with this Agreement or the Project;
- (d) Accidents, Injury to Person or Property. Any accident, injury, (including death at any time resulting therefrom) or damage to any person, including, without limitation, employees of the Municipality or any Indemnitee, or property occurring in, on, or about the Project or any part thereof; or
- (e) <u>Breach of Municipality's Obligation</u>. Any failure or refusal on the part of the Municipality to perform its obligations pursuant to this Agreement.
- (f) <u>Municipality's Obligations</u>. The Municipality's failure, within any applicable grace period, to perform or comply with any of the covenants, terms or conditions contained in this Agreement on the Municipality's part to be kept, observed, performed or complied with within any applicable grace period,
- Section 7.1. The Municipality hereby further acknowledges and agrees that it shall defend, indemnify and hold harmless the County for any "Environmental Damages" to the Property. "Environmental Damages" shall mean all claims, damages, demands losses, penalties, fines, fees,

liabilities (including strict liability), encumbrances, liens, costs and expenses of investigation and defense of any, whether or not such claim is ultimately defeated, and of any good faith settlement or judgment, of whatever kind or nature, contingent or otherwise, matured or unmatured, foreseeable or unforeseeable, including, without limitation, reasonable attorney's fees and disbursements and consultants' fees, any of which are incurred as the result of the existence of "Hazardous Material" or "Hazardous Waste" upon, beneath, or about the Property or migrating or threatening to migrate to or from the Property, or the existence of a violation of "Environmental Requirements" pertaining to the Property, regardless of whether the existence of such "Hazardous Materials" or "Hazardous Waste" or the violation of "Environmental Requirements" arose prior to the Municipality or County's ownership of the Property, including, without limitation:

- (i) damages for personal injury, or injury to Property or natural resources occurring upon or off the Property, foreseeable or unforeseeable, including, without limitation, lost profits, consequential damages, the cost of demolition or rebuilding of any improvements of real property, interest and penalties;
- (ii) fees incurred for the service of attorneys, consultants, contractors or experts, laboratories and all other costs incurred in connection with the investigation or remediation of such "Hazardous Materials" or "Hazardous Waste" or violation of "Environmental Requirements" including, but not limited to, the preparation of any feasibility studies or reports or the performance of any cleanup, remediation, removal, response, abatement, containment, closure, restoration or monitoring work required by any federal, state or local governmental agency or political subdivision, or reasonably necessary to make the full use of the Property or any other property or otherwise expended in connection with such conditions; and
- (iii) liability to any third person or governmental agency to indemnify such person or agency for the costs expended in connection with the items referenced in subparagraph (ii) herein;
- (iv) diminution in the value of the Property and damages for loss of business and restriction on the use of the Property or any part thereof.

Section 7.1.a. Definitions. For the purposes of this Agreement, the following definitions shall apply:

- (1) "Hazardous Materials" or "Hazardous Waste" shall mean any substance:
 - (i) the presence of which requires investigation or remediation under any federal, state, or local statute, regulation, ordinance, order, action, policy or common law; or
 - (ii) which is or becomes defined as a hazardous waste, hazardous substance, pollutant or contaminant under any federal, state or local statute, regulation, rule, or ordinance or

amendments thereto including, without limitations, the United States Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 USC §9601 (14) 42 USC §9602 and any "hazardous waste" as defined in or listed under the United States Solid Waste Disposal Act, as amended, 42 USC §6901(5), 42 USC §6921; or

- (iii) which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, or otherwise hazardous and is or becomes regulated by any governmental authority, agency, department, commission, board or instrumentality of the United States, the State of New York or any political subdivision thereof; or
- (iv) the presence of which, on the Property, causes or threatens to cause a nuisance on the Property or to nearby properties or poses or threatens to pose a hazard to the health and safety of persons on, about or nearby the Property; or
- (v) the presence of which on nearby properties would constitute a trespass by the owner of the Property; or
- (vi) without limitation which contains gasoline, diesel fuel, or other petroleum hydrocarbons; or
- (vii) without limitation which contains polychlorinated bipheynols (PCBs), asbestos, or urea formaldehyde foam insulation.
- (2) "Environmental Requirements" shall mean all applicable present and future statutes, regulations, rules, ordinances, codes, licenses, permits, orders, approvals, plans, authorizations, concessions, franchises, and similar items, of all government agencies, departments, commissions, boards, bureaus, or instrumentalities of the United States, the State of New York and the political subdivisions thereof; and all applicable judicial, administrative, and regulatory decrees, judgments, and orders relating to the protection of human health or the environment.
- Section 7.2. The Municipality shall promptly notify the County in writing of any claims made or any suits instituted against the Municipality of which it has knowledge arising from its performances hereunder or in connection with this Agreement or in connection with the Project.
- Section 7.3. In the event the Municipality does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of all or part of this Article, then the Municipality shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing all or part of this Article of the Agreement.

Section 7.4. This Article shall survive termination or expiration of this Agreement.

ARTICLE VIII MISCELLANEOUS

Section 8.0. Any purported delegation of duties or assignment of rights under this Agreement without the prior express written consent of the County is void.

Section 8.1. The Municipality shall submit documentation to the County demonstrating compliance with the State Environmental Quality Review Act and its implementing regulations ("SEQR"), including those activities that have been determined not to constitute an action as defined by SEQR or activities determined to be Type II actions as defined by SEQR. The Municipality shall act as the lead agency for meeting the requirements of SEQR for any Unlisted or Type I action that is undertaken pursuant to this Agreement, unless otherwise directed by the Planning Commissioner. The Municipality shall include the County as an Involved Agency (as defined in SEQR) in all matters relating to SEQR and conduct a coordinated review where applicable.

<u>Section 8.2.</u> The failure of the County to insist upon strict performance of any term, condition or covenant herein shall not be deemed a waiver of any rights or remedies that the County may have and shall not be deemed a waiver of any subsequent breach or default in the terms, conditions or covenants herein.

<u>Section 8.3.</u> It is mutually understood and agreed that the terms, covenants, conditions and agreements herein contained shall be binding upon the parties hereto and upon their respective successors, legal representatives and assigns.

<u>Section 8.4.</u> This Agreement and its attachments constitute the entire agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. This Agreement shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties, and approved by the Office of the County Attorney.

Section 8.5. It is recognized and understood that the Municipality is not an agent of the County and in accordance with such status, the Municipality, its consultant(s), its subcontractor(s), and their respective officers, agents, employees, representatives and servants shall at all times during the term of this Agreement neither hold themselves out as, nor claim to be acting in the capacity of officers, employees, agents, representatives or servants of the County, nor make any claim, demand or application for any right or privilege applicable to the County, including without limitation, rights or privileges derived from workers compensation coverage, unemployment insurance benefits, social security coverage and retirement membership or credit.

Section 8.6. The Municipality shall comply with the insurance requirements contained in Schedule "C" entitled "Standard Insurance Provisions," attached hereto and made a part hereof. The Municipality may, in lieu of procuring and maintaining the aforesaid insurance, elect to obtain such coverage through a program of self-insurance, which coverage and program shall be in accordance with generally accepted standards for similarly situated entities. In addition to the foregoing, the Municipality shall contractually ensure that all of its contractors, subcontractors and/or independent contractors (individually a "Contractor" or collectively, the "Contractors") that are engaged to construct the Project shall provide such insurance coverage as described in Schedule "C" naming as additional insured, the Municipality and the County and their respective officials (elected or otherwise), officers, employees and agents (collectively the "Additional Insureds"). The Municipality shall require, before the Project commences that each such insurance policy be endorsed to contain the following clauses: (a) the insurer shall have no right to recovery or subrogation against the Additional Insureds (including their respective officials (elected or otherwise), officers, employees and agents), it being the intention that the insurance policy shall protect both the insured and the Additional Insureds and be primary coverage for any and all losses covered by such insurance; (b) the clause "other insurance provisions" in any such insurance policy shall not apply to the Additional Insureds or their insurance policies; (c) the insurer issuing the policy shall have no recourse against the Additional Insureds (including their respective officials (elected or otherwise), officers, employees and agents) for payment of any premiums or for assessments under any form of policy; and (d) any and all deductibles in such insurance policy shall be assumed by and be for the account of, and at the sole risk of the Contractor.

Section 8.7. This Agreement shall not be enforceable until signed by all parties and approved by the Office of the County Attorney.

Section 8.8. In the event that any one or more provisions, sections, subsections, clauses or words of this Agreement are for any reason held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement, but this Agreement shall be construed and enforced as if such illegal or invalid section, subsection, clause or word has not been contained herein.

Section 8.9. This Agreement shall be deemed executory only to the extent of funds appropriated and made available for the purpose of this Agreement and no liability on account thereof shall be incurred by the County beyond the amount of such appropriated funds.

<u>Section 8.10.</u> All covenants, stipulations, promises, agreements and obligations of the Municipality and the County contained herein shall be deemed to be stipulations, promises, agreements and obligations of the Municipality and the County and not of any member, officer or employee of the Municipality or the County in his/her individual capacity and no recourse shall be had for any obligation or liability herein or any claim based thereon against any member, officer or employee of the Municipality or the County or any natural person executing this Agreement.

Section 8.11. The parties represent that they have all requisite power and authority to execute, deliver and perform this Agreement, and this Agreement has been duly authorized by all necessary action on the part of the parties. The parties each agree to execute and deliver such further instruments and to seek such additional authority as may be required to carry out the intent and purpose of this Agreement, including providing the County with any necessary property interests in the Project in order for the County to fund the Project.

Section 8.12. This Agreement may be executed in two or more counterparts and all counterparts so executed shall for all purposes constitute one agreement binding upon all the parties hereto.

Section 8.13. Nothing in this Agreement shall act to confer third-party beneficiary rights on any person or entity not a party to this Agreement.

Section 8.14. The headings in this Agreement are for reference purposes only and shall not be used in construing the terms of this Agreement.

<u>Section 8.15.</u> The Municipality agrees to comply with the terms set forth in Schedule "D", attached hereto and made a part hereof, regarding Vendor Direct Payment Terms.

<u>Section 8.16</u>. The Municipality hereby acknowledges that any provision of this Agreement which requires consent of the County shall be subject to receipt by the County of any and all necessary legal approvals.

Section 8.17. No director, officer, employee, agent or other person authorized to act on behalf of the County shall have any personal liability in connection with this Agreement or any failure of the County to perform its obligations hereunder. No director, officer, employee, agent or other person authorized to act on behalf of the Municipality shall have any personal liability in connection with this Agreement or any failure of the Municipality to perform its obligations hereunder.

<u>Section 8.18.</u> The Municipality agrees to allow the County reasonable access to the Project, during normal business hours, to permit inspection and observation of the Project. The Municipality may require the County to provide reasonable notice prior to such inspection and observation.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

	COUNTY OF WESTCHESTER
	By:
	Blanca Lopez Acting Commissioner of Planning
	TOWN OF GREENBURGH
	Ву:
	Name: Title:
Approved by the Board of Legislators of the Co on the,	ounty of Westchester by Act No. 2025
Approved by the Town Board of the Town of G	reenburgh on the day of, 2025.
Approved	
Sr. Assistant County Attorney County of Westchester	

MUNICIPALITY'S ACKNOWLEDGMENT

STATE OF NEW YORK)
county of westchester) ss.:
On the day of in the year 2025, before me, the undersigned, a Notary
Public in and for said State, personally appeared, personally known to me or proved
to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within
instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her
signature on the instrument, the individual, or the person upon behalf of which the individual acted,
executed the instrument; and, acknowledged if operating under any trade name, that the certificate required
by the New York State General Business Law Section 130 has been filed as required therein.
Signature and Office of individual taking acknowledgment

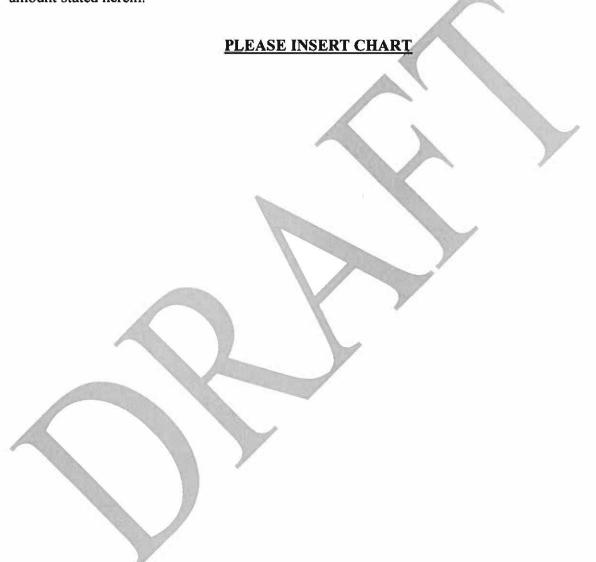
CERTIFICATE OF AUTHORITY

I,	(OM 1 1 1	<u></u>	,
(Officer other than o	fficer signing contract)	
certify that I am the	e		of
41		(Title)	
the	(the "	'Municipality")	
	(the	ividinoipanty)	
a municipal corpora	ation duly organized	and in good standing t	under the
			er which organized, e.g., the
named in the forego	oing agreement; that	New Iori	kBusiness Čorporate Law)
named in the level	omg agrooment, that	(Person	executing agreement)
who signed said ag	reement on behalf o	f the Municipality was,	at the time of execution
	(Title of such pe	argon)	
of the Municipality	and that said agreen	nent was duly signed for	or and on behalf of said Municipality
1 C 14 T	D		, thereunto duly authorized and that
such authority is in	full force and effect	at the date hereof.	
		1	
		(Sion	nature)
STATE OF NEW Y		K 3	<i>y</i>
COUNTY OF WES	SS.: STCHESTER)		
COOM TOT WE	JI CHESTER)		
On this	day of	, 2025, before	me personally came
		, whose si	gnature appears above, to me known,
and known to me to			of
	All All	Title)	
		, the	Municipality described in and which
executed the above	certificate, who ben		id depose and say that he/she, the said
-	100	of said Municipali	
hereto by order of the	he Roard of	of said	and that he/she signed his/her name
nercto by order of t	ne Board of	OI Salu	i wumcipanty.
	100		
		Notary Pul	blic
		County of	ж

SCHEDULE "A"

SCOPE OF WORK

The Scope of Work for the Project shall include any work associated with the following tasks. Funds may be moved between tasks, subject to review and approval by the County. Reimbursements will be made in accordance with the requirements and procedures specified in this agreement. The total amount reimbursed by the County shall not exceed the maximum amount stated herein.



SCHEDULE "B"

Omitted



SCHEDULE "C"

STANDARD INSURANCE PROVISIONS (MUNICIPALITY)

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

- The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):
 - a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: http://www.wcb.ny.gov.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:
 - i.Premises Operations.
 - ii.Broad Form Contractual.
 - iii.Independent Contractor and Sub-Contractor.
 - iv. Products and Completed Operations.
- c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:
 - (i) Owned automobiles.
 - (ii) Hired automobiles.
 - (iii) Non-owned automobiles.

- 3. All policies of the Municipality shall be endorsed to contain the following clauses:
- (a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.
- (b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.
- (c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.
- (d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.



SCHEDULE "D" VENDOR DIRECT PAYMENT TERMS

Westchester County Vendor Direct Program Frequently Asked Questions

1. WHAT ARE THE BENEFITS OF THE ELECTRONIC FUNDS TRANSFER (EFT) ASSOCIATED WITH THE VENDOR DIRECT PROGRAM?

There are several advantages to having your payments automatically deposited into your designated bank account via EFT:

Payments are secure – Paper checks can be lost in the mail or stolen, but money deposited directly into your bank account is more secure.

You save time – Money deposited into your bank account is automatic. You save the time of preparing and delivering the deposit to the bank. Additionally, the funds are immediately available to you.

- 2. ARE MY PAYMENTS GOING TO BE PROCESSED ON THE SAME SCHEDULE AS THEY WERE BEFORE VENDOR DIRECT?
 Yes.
- 3. HOW QUICKLY WILL A PAYMENT BE DEPOSITED INTO MY ACCOUNT? Payments are deposited two business days after the voucher/invoice is processed. Saturdays, Sundays, and legal holidays are not considered business days.

4. HOW WILL I KNOW WHEN THE PAYMENT IS IN MY BANK ACCOUNT AND WHAT IT IS FOR?

Under the Vendor Direct program you will receive an e-mail notification two days prior to the day the payment will be credited to your designated account. The e-mail notification will come in the form of a remittance advice with the same information that currently appears on your check stub, and will contain the date that the funds will be credited to your account.

- 5. WHAT IF THERE IS A DISCREPANCY IN THE AMOUNT RECEIVED?
 Please contact your Westchester County representative as you would have in the past if there were a discrepancy on a check received.
- 6. WHAT IF I DO NOT RECEIVE THE MONEY IN MY DESIGNATED BANK ACCOUNT ON THE DATE INDICATED IN THE E-MAIL?

In the unlikely event that this occurs, please contact the Westchester County Accounts Payable Department at 914-995-4708.

- 7. WHAT MUST I DO IF I CHANGE MY BANK OR MY ACCOUNT NUMBER? Whenever you change any information or close your account a new Vendor Direct Payment Authorization Form must be submitted. Please contact the Westchester County Accounts Payable Department at 914-995-4708 and we will e-mail you a new form.
- 8. WHEN COMPLETING THE PAYMENT AUTHORIZATION FORM, WHY MUST I HAVE IT SIGNED BY A BANK OFFICIAL IF I DON'T INCLUDE A VOIDED CHECK? This is to ensure the authenticity of the account being set up to receive your payments.

INSERT VENDOR DIRECT FORM



SCHEDULE "E"

County's Discretionary Funding Policy attached hereto.

WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING IMPLEMENTATION PLAN August 9,2010

Appendix D-2(ii): Discretionary Funding Allocation Policy as approved January 10, 2012

DISCRETIONARY FUNDING POLICY

In August 2009, Westchester County entered into a Stipulation and Order of Settlement and Dismissal in US. ex rel. Anti-Discrimination Center of Metro New York v. Westchester County, New York (the "Settlement Agreement"). Beginning on March 1, 2012, the grant of discretionary intermunicipal funding, including but not limited to County Open Space funds and CDBG funding, ("Discretionary Funding") to municipalities eligible under the Settlement Agreement ("Recipient Eligible Municipalities") shall be conditioned, as appropriate, upon the Recipient Eligible Municipality's commitment to affirmatively further fair housing within its borders. This policy does not apply to municipalities in Westchester County other than the Recipient Eligible Municipalities.

Each Recipient Eligible Municipality shall be required to commit to the County, in writing, that it is in compliance with the following terms and conditions in connection with its commitment to affirmatively further fair housing:

- (a) Recipient Eligible Municipality has adopted municipal zoning code provisions and/or policies which reflect the guidance provided in the Model Ordinance Provisions approved pursuant to the Settlement Agreement and demonstrate a commitment by the Recipient Eligible Municipality to affirmatively further fair housing, including a ban on local residency requirements and preferences and other selection preferences that do not affirmatively further fair housing, except to the extent provided in the Model Ordinance Provisions;
- (b) Recipient Eligible Municipality will offer the County a Right of First Refusal to retain and/or purchase any and all land acquired in rem to be used for housing that affirmatively furthers fair housing; and
- (c) Recipient Eligible Municipality will actively further implementation of the Settlement Agreement through its land use regulations and other affirmative measures to assist the development of affordable housing.

Such commitments by Recipient Eligible Municipality shall be stated in the funding agreement between the County and the Recipient Eligible Municipality.

The funding agreement will also provide that housing units that affirmatively further fair housing must be marketed in accordance with Westchester County's Affirmative Fair Housing Marketing Plan approved pursuant to the Settlement Agreement, throughout the period of affordability.

Applications for Discretionary Funding submitted by non-municipal entities will be reviewed to determine whether or not such entity is acting as an agent of a municipality for purposes of the project for which funding is sought. If such entity is deemed to be acting in the capacity of agent for a municipality, the application will be subject to a review of the agent-municipality's compliance with the policy of affirmatively furthering fair housing stated above. The determination as to whether an agency relationship exists will be based on the principles of law relating to agency relationships in New York State, and the fact that the non-municipal entity/applicant may be required by local municipal codes to obtain municipal approvals or abide by municipal processes for such approvals in connection with such application will not be determinative of the agency relationship. Westchester County will provide notice of all non-municipal applications for funding to the local municipality in which the funding is proposed to be spent.

The County's audit rights under any grant of or funding agreement for Discretionary Funding will extend to all documents, reports, and records which relate to the Recipient Eligible Municipality's commitment to affirmatively further fair housing as described herein. Should Recipient Eligible Municipality fail to abide by any of the above conditions, Recipient Eligible Municipality will be obliged, upon thirty (30) days written notice by the County to refund any Discretionary Funding paid to the Recipient Eligible Municipality.



CAPITAL PROJECT FACT SHEET

				2-2-1-2-1-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2				
Project ID:*	≭ CI	BA		F	act Sheet	Date:*		
BPL26					05-27-2025			
Fact Sheet Year:*	Proje	ect Title:*		L	Legislative District ID:			
2025	FLO	OD MITIGATION		8	, 12, 15			
Category*	Depa	rtment:*		c	P Unique	ID:		
BUILDINGS, LAND & MISCELLANEOUS	PLA	NNING		2	943			
Overall Project Description								
This project is intended to provide municipalities and approved by the prepared by the County or in participated Budget Amendment.	e County, as w	ell as provide fundir	g for water	ersheď ana	lyses and	project de	velopmen	t plans bject to a
■ Best Management Practices	☐ En	ergy Efficiencies		×] Infrastru	cture		
■ Life Safety	☐ Pro	oject Labor Agreeme	ent		Revenue			
☐ Security	≭ Ot	her(FLOOD MITIG	ATION)					
FIVE-YEAR CAPITAL PROG	RAM (in thous	sands)						
	Estimated							II-d-
	Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	155,750	76,500	44,250	5,000	5,000	5,000	0	20,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	155,750	76,500	44,250	5,000	5,000	5,000	0	20,000
Expended/Obligated Amount (in	n thousands) a	s of: 13,361						
Current Bond Description: The proposed projects for flood mitigate Greenburgh.	e proposed requition in the Trou	est will fund the Co ablesome Brook and	unty share Manhatta	of Prelim in Park Br	ninary Eng ook water	ineering t sheds in th	hat will de ne Town o	evelop f
Financing Plan for Current Req	uest:							
Non-County Shares:		\$ 0						
Bonds/Notes:		450,000						
Cash:		0						
Total:		\$ 450,000						
SEQR Classification:								
TYPE II								
Amount Requested: 450,000								
Expected Design Work Provider	r:							
County Staff		nsultant		x	Not Appl	icable		
Comments:								
Energy Efficiencies:								

250

Appropriation History:

Year	Amount	Description
2009	5,400,000	MAMARONECK AND SHELDRAKE RIVERS BASIN FLOOD DAMAGE REDUCTION STUDY; FOUR LOCAL MUNICIPAL FLOOD PROJECTS
2012	5,000,000	FLOOD MITIGATION PROJECTS TO BE DETERMINED
2013	5,000,000	FLOOD RELATED PROJECTS
2015	150,000	DESIGN OF A COUNTYWIDE SYSTEM OF STREAM AND STORM GAUGES
2016	5,000,000	CONTINUATION OF THIS PROJECT
2021	200,000	DESIGN AND INSTALLATION OF A MAINTENANCE GATE AT SPRAIN BROOK, YONKERS
2022	11,000,000	THE US ARMY CORPS OF ENGINEERS' PROJECT IN THE VILLAGE OF MAMARONECK/SHELDRAKE AND MAMARONECK RIVERS
2023	17,500,000	\$10,300,000 CONTINUATION OF THIS PROJECT; \$7,000,000 FOR MAMARONECK/SHELDRAKE RIVERS, AND \$200,000 FOR CITY OF YONKERS SCOTTI FIELD FLOOD PROJECT
2024	27,250,000	CONTINUATION OF THIS PROJECT
2025	44,250,000	CONTINUATION OF THIS PROJECT

Total Appropriation History:

120,750,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
09	79	900,000	899,501	FLOOD MITIGATION STUDY: MAM'K & SHELDRAKE RIVERS BASIN
09	140	2,441,625	2,441,625	COUNTY PORTION OF FLOOD MITIGATION PROJECT IN COUNTY
17	11	2,974,875	2,502,239	COUNTY PORTION OF FLOOD MITIGATION PROJECT IN COUNTY (AMMENDED)
18	171	0	0	FUNDING FOR AN ENGINEERING STUDY TO DEVELOP A SOLUTION FOR FLOODING IN RYE BROOK, AVON CIRCLE AREA
19	107	300,000	238,764	INITIAL DESIGN OF PROJECT TO MITIGATE FLOODING ALONG THE HUTCHINSON RIVER
19	247	0	0	RECONSTRUCT THE HILLSIDE AVENUE BRIDGE IN THE VILLAGE OF MAMARONECK
21	171	350,000	111,070	FLOOD MITIGATION-TOWN OF NEW CASTLE (UNIQUES ID# 1694)
21	175	270,000	221,546	FLOOD MITIGATION-YONKERS (UNIQUES ID# 1692)
22	85	130,000	0	FLOOD MITIGATION-DOBBS FERRY (UNIQUES ID# 1948)
22	92	2,200,000	0	FLOOD MITIGATION- MAMARONECK (UNIQUE ID# 1857)
22	54	1,200,000	55,694	FLOOD MITIGATION-PEEKSKILL (UNIQUES ID# 1999)
22	95	0	0	FLOOD MITIGATION-BRIARCLIFF MANOR (UNIQUE ID# 1953)
23	23	2,500,000	562,627	RECONSTRUCT HILLSIDE AVENUE BRIDGE, VILLAGE OF MAMARONECK (UNIQUE ID#2001)
23	196	150,000	0	FLOOD MITIGATION (ID 2235)
23	198	3,870,000	0	FLOODING IN RYE BROOK, AVON CIRCLE AREA - (ID 2236)
23	206	121,250	0	FLOOD MITIGATION - HARRISON AVE YONKERS (ID 2324)
23	208	128,750	0	FLOOD MITIGATION - CLUNIE AVE YONKERS (ID 2326)
24	81	2,000,000	0	FLOOD MITIGATION STUDY - ID 2448
24	30	0	0	FLOOD MITIGATION-BRIARCLIFF MANOR (UNIQUE ID# 1953) (RECIND BOND ACT 95-22)
24	186	450,000	0	HARTSDALE BROOK AREA STUDY

Total Financing History:

19,986,499

Recommended By:

Department of PlanningDateMLLL05-29-2025

Department of Public WorksRJB4

Date
06-17-2025

Budget DepartmentDateDEV907-01-2025

Requesting DepartmentDateOBVV07-08-2025

FLOOD MITIGATION (BPL26)

User Department:

Planning

Managing Department(s):

Planning;

Estimated Completion Date:

TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

Non County Share Total	155,750	76,500	13,347	44,250	5,000	5,000	5,000	20,000
Gross	Est Ult Cost 155,750	Appropriated 76,500	Exp / Obl 13,347	2025 44,250	2026 5,000	2027 5,000	2028 5,000	2029 Under Review 20,000

Project Description

This project is intended to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County, as well as provide funding for watershed analyses and project development plans prepared by the County or in partnership with state and federal agencies. This is a general fund, specific projects are subject to a Capital Budget Amendment.

Current Year Description

The current year request funds the continuation of this project.

Current Yea	r Financing Plan			
Year	Bonds	Cash	Non County Shares	Total
2025	44,250,000			44,250,000

Impact on Operating Budget

The impact on the Operating Budget is the debt associated with the issuance of bonds.

FLOOD MITIGATION (BPL26)

***	100000000000000000000000000000000000000		
Year	Amount	Description	Status
2009	5,400,000	Mamaroneck and Sheldrake Rivers basin flood damage reduction study; Four local municipal flood projects	COMPLETE
2012	5,000,000	Flood Mitigation Projects to be Determined	\$850,000 DESIGN; \$4,150,000 CONSTRUCTION
2013	5,000,000	Flood related projects	\$1,500,000 COMPLETE; \$3,350,000 CONSTRUCTION \$150,000 DESIGN
2015	150,000	Design of a countywide system of stream and storm gauges	AWAITING BOND AUTHORIZATION
2016	5,000,000	Continuation of this project	\$3,113,500 DESIGN; \$1,886,500 CONSTRUCTION; \$863,500 AWAITING BOND AUTHORIZATION
2021	200,000	Design and installation of a maintenance gate at Sprain Brook, Yonkers	AWAITING BOND AUTHORIZATION
2022	11,000,000	The US Army Corps of Engineers' project in the Village of Mamaroneck/Sheldrake and Mamaroneck rivers	AWAITING BOND AUTHORIZATION
2023	17,500,000	\$10,300,000 continuation of this project; \$7,000,000 for Mamaroneck/Sheldrake Rivers, and \$200,000 for City of Yonkers Scotti Field flood project	AWAITING BOND AUTHORIZATION
2024	27,250,000	Continuation of this project	AWAITING BOND AUTHORIZATION
Total	76,500,000		

Prior Appropriations			
	Appropriated	Collected	Uncollected
Bond Proceeds	76,500,000	6,891,825	69,608,175
Total	76,500,000	6,891,825	69,608,175

FLOOD MITIGATION (BPL26)

Bond A	ct	Amount	Date Sold	Amount Sold	Balano
79	09	900,000	12/02/10	358,000	499
		United 2.5000 € 1.500 at 25000	12/02/10	(358,000)	
			11/30/11	522,141	
			11/30/11	77,859	
			11/19/15	250,434	
			11/19/15	48,566	
			11/19/15	501	
140 0	09	2,441,625	10/24/12	740,494	
			10/24/12	75,506	
			10/24/12	6,240	
			12/10/13	852,989	
			12/10/13	104,011	
			12/10/13	2,925	
			11/19/15	334,212	
			11/19/15	64,813	
			11/19/15	669	
		12/15/16	259,766		
11	17	2,974,875	12/15/17	31,948	472,636
			12/15/17	5,866	
			12/15/17	50	
			12/15/17	29,606	
			12/15/17	5,436	
			12/15/17	46	
			12/10/18	660,625	
			12/10/19	959,846	
			12/10/19	189,546	
		12/10/19	117,641		
			12/10/19	23,231	
			04/30/20	478,398	
171	18				
107	19	300,000	12/01/21	123,508	111,040
			11/30/23	59,583	%
			11/30/23	5,869	
247	19		2700 Mai 170a 1700	Star Statements	

FLOOD MITIGATION (BPL26)

196 198 206 208 30 81	23 23 23 23 24 24 24	150,000 3,870,000 121,250 128,750 2,000,000 450,000			150,000 3,870,000 121,250 128,750 2,000,000 450,000
198 206 208 30	23 23 23 24	3,870,000 121,250 128,750			3,870,000 121,250 128,750
198 206 208	23 23 23	3,870,000 121,250			3,870,000 121,250
198 206	23 23	3,870,000 121,250			3,870,000 121,250
198	23	3,870,000			3,870,000
	St - 1878	Date and the residence			
196	23	150,000			150,000
			11/30/23	47,813	
23	23	2,500,000	11/30/23	485,406	1,966,781
54	22	1,200,000			1,200,000
95	22				
92	22	2,200,000			2,200,000
85	22	130,000			130,000
			11/30/23	19,866	
175	21	270,000	11/30/23	201,681	48,454
			11/30/23	5,581	
171	21	350,000	11/30/23	56,656	287,764
	175 85 92 95 54	175 21 85 22 92 22 95 22 54 22	175 21 270,000 85 22 130,000 92 22 2,200,000 95 22 54 22 1,200,000	11/30/23 11/30/23 175 21 270,000 11/30/23 11/30/23 85 22 130,000 92 22 2,200,000 95 22 54 22 1,200,000	11/30/23 5,581 175 21 270,000 11/30/23 201,681 11/30/23 19,866 85 22 130,000 92 22 2,200,000 95 22 54 22 1,200,000